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The document was marked with 529 Deletions, 659 Insertions, 2 Moves.

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AMENDED

LOCAL ~~RULES OF~~ BANKRUPTCY ~~PROCEDURE~~

→

~~FOR THE~~
RULES

WESTERN DISTRICT OF WASHINGTON

~~Effective: April 1, 1999~~

Local Rules effective July 1, 2008

ADOPTED BY GENERAL ORDER NO. 2008-1

July 1, 2008

[Applicable to All Cases effective July 1, 2008]

→ **RULE 1006-1. FILING FEE: WAIVER OR INSTALLMENTS**

→ **(a) Waiver of Filing Fee.** An application by an individual Chapter 7 debtor for waiver
→ of the Chapter 7 filing fee shall be made by filing Official Form B3B with the voluntary
→ petition. Local Rule W.D. Wash. CR 3(b) shall not apply in bankruptcy cases.

→ **(b) Payment by Installments.** If the debtor is unable to pay the filing fee except in
→ installments, the debtor must file an Application to Pay Filing Fees in Installments (Official
→ Form 3A) at the time of the filing of the petition.

→ **RULE 1007-1. LISTS, SCHEDULES, & STATEMENTS**

→ **(a) ~~Copies of Petitions, Schedules, Statements, and Lists.~~** ~~In addition to the~~
~~original signed petition, schedules, statements, and lists (including the master mailing list~~
~~described in Local Bankruptcy Rule 1007-2) required by the Federal Rules of Bankruptcy~~
~~Procedure, the debtor shall file:~~

→ ~~(1) three copies in cases filed under chapters 7 and 12;~~

→ ~~(2) two copies in cases filed under chapter 13; and~~

→ ~~(3) four copies in cases filed under chapters 9 and 11.~~

→ **(b) Extension of Time to File Schedules and Statements.**

→ (1) A motion for extension of time to file schedules ~~and~~ statements, and
→ documents required by Interim Fed.R.Bankr.P. 1007(b)(1)(A), (B), (C), (D), (F), (b)(4), (b)(5)
→ and (b)(6) shall be filed prior to the expiration of the deadline for filing. Such a motion shall be
→ made on five days' notice to those specified in Rule 1007(a)(4), Interim Fed.R.Bankr.P.
→ 1007(c), and to entities requesting notice pursuant to Rule 2002(i), Interim Fed.R.Bankr.P.
→ 2002(i). If no objection is timely filed, an order may be presented *ex parte*. The motion shall
contain:

(A) the date the petition was filed;

(B) the date the schedules and statements are due;

→ (C) the date set for the section § 341 meeting of creditors; and

(D) the reason for the delay.

→ (2) The court shall not extend the date for filing schedules ~~and~~ statements,
→ and documents to a date within five days of the section § 341 meeting of creditors, unless the
debtor has arranged with either the trustee or the United States trustee for a continuance of the
→ meeting. ~~In such event, the debtor shall~~ and mails to all creditors notice of the continuance of
the meeting and the extension of time to file schedules and statements.

→ (3) Debtors on active military duty must so indicate on Schedule I, and
→ those going on active duty or being deployed after the filing of the voluntary petition for a
→ period to exceed 14 days must file notice setting forth the beginning and end dates of the active
→ duty or deployment, and any new or additional address, attaching a copy of the orders to or

→ official documentation of the active duty or deployment with social security numbers redacted
→ to show only the last four digits, and the names (other than the issuing official) and social
→ security numbers of any non-debtors completely redacted.

→ (b) **Schedules Required in Converted Cases.** Where a chapter 7, chapter 13,
→ chapter 12, or individual chapter 11 case is converted to another chapter, the debtor shall be
→ required to file amended schedules, statements, and documents required by Interim
→ Fed.R.Bankr.P. 1007(b)(1), (4), (5), and (6), or a declaration under penalty of perjury that
→ there has been no change in the schedules, statements, and documents; *provided*, however, that
→ a statement of current monthly income (means testing form) is not required if the time for
→ filing a motion under 11 U.S.C. § 707(b) or (c), or any extension thereof, expired while the
→ case was pending under chapter 7.

~~**RULE 1007-2. MAILING - LIST OR MATRIX**~~

~~(a) **Contents of List.** Every bankruptcy petition shall be accompanied by a master mailing list containing the names and addresses of all creditors and the United States trustee. In chapter 11 cases, the list shall also include the taxing authority for any county in which the debtor holds an interest in real estate, whether or not taxes are owed on the property.~~

~~(b) **Format of List.** The master mailing list shall be submitted in the format designated by administrative regulation of the clerk. (See Local Amended Administrative Regulation 1.)~~

~~(c) **Accuracy of Master Mailing List.** The filing of the list shall be deemed to be a verification by the debtor that the list is a complete and accurate listing of all creditors, with the last known mailing address of each party listed. The clerk's office shall not be required to compare the names and addresses shown on the master mailing list with those on the schedules or amendments thereto; *provided*, however, that the clerk shall add to the list any creditors or parties in interest who have filed proofs of claim or written requests for notice, unless the trustee files a Report of No Distribution. The debtor shall notify the clerk promptly of any corrections or changes to the master mailing list.~~

~~(d) **Duty to Supplement Master Mailing List.** Local Bankruptcy Rule 1009-1(d)(1) applies.~~

~~(e) **Use of Master Mailing List for Noticing.** Local Bankruptcy Rule 2002-1(c) applies.~~

RULE 1009-1. AMENDMENTS TO PETITION, LISTS & SCHEDULES AND STATEMENTS

(a) **Case Name and Number; Verification.** The debtor's name and the case number shall appear on the first page of any amended petition, schedule, statement, or list. Any amendment shall be verified in the same manner as required for the original document.

~~_____ (b) _____ Number of Copies.~~ Amended petitions, lists, schedules, and statements shall be filed in the same numbers as prescribed by Local Bankruptcy Rule 1007-1(a), and shall be served on any trustee.

→ ~~_____ (c) _____~~ =

→ ~~_____ (b) _____ Amendment of Petition to Add Party, or to Change a Debtor's Name.~~ The name of an original debtor, as stated in the case caption, may be amended by *ex parte* motion. A petition may not be amended after filing to add a spouse as a joint debtor ~~after the order for relief has been entered.~~

→ ~~_____ (d) _____ or to substitute a party for a debtor unless so ordered after a motion, on notice and hearing.~~

→ ~~_____ (c) _____ Addition of Creditors.~~

(1) *Duty to Supplement Master Mailing List.* A supplemental mailing list shall be filed with any schedule that contains additions to a prior list or schedule of creditors or other interested parties. ~~The supplemental list shall be submitted in a format designated by the clerk pursuant to administrative regulation.~~

→ (2) *Notice of Amendment.* If the debtor amends ~~its~~the schedules of creditors after the ~~section~~§ 341 meeting notice has been mailed, but before the § 341 meeting occurs, the debtor shall mail to ~~the trustee and~~ any creditors added by the amendment a notice of the amendment, together with a copy of the ~~section~~§ 341 meeting notice. The notice of amendment shall inform the creditor that, on motion by the creditor made before the expiration of any applicable deadlines set forth in the ~~section~~§ 341 meeting notice, the court may for cause extend the time for filing 1 (A) proofs of claim, 2 (B) objections to the debtor's exemptions, 3 (C) complaints objecting to discharge, and 4 (D) complaints to determine the dischargeability of a debt.

→ ~~_____ (3) _____~~ *Fee for Amending Schedules.* Except in chapter 13 cases, every amendment to a debtor's schedules of creditors or equity security holders, ~~after notice to creditors,~~ shall be accompanied by the fee prescribed by the Judicial Conference of the United States.

~~_____ (e) _____ Amendment to Schedules.~~ Any amendment to a debtor's schedules of property and/or liabilities shall be accompanied by a completed Amendment Cover Sheet in the form of Local Bankruptcy Form 2.

~~_____ (f) _____ Amendment of List.~~ A supplemental mailing list shall be filed with any schedule or amended schedule which contains additions to the original list. The supplemental list shall conform to the format designated by the clerk pursuant to administrative regulation.

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→ **RULE 1017-~~21~~. DISMISSAL OR SUSPENSION - CASE OR PROCEEDINGS**

→ ~~_____ (a) _____~~

→ (a) Dismissal for Failure to File Documents. If a debtor in a voluntary case fails to file a Voluntary Petition (Official Form 1), or to file with the petition the documents and/or

- information required by Interim Fed.R.Bankr.P. 1007(b)(3), the court may dismiss the case,
→ provided that the docket shows that the debtor was given 5 days' notice of this provision.
→
- **(b)** **Dismissal for Failure to File Schedules, Statements, and Lists, or for Failure to Attend Section § 341 Meeting of Creditors.** If a debtor in a voluntary case fails ~~to~~ timely to file the required schedules, statements, ~~or lists, and other documents required by Interim Fed.R.Bankr.P. 1007(b)(1) [except for (b)(1)(E)], (4), (5), and (6),~~ or fails to appear at the section § 341 meeting of creditors, the United States trustee may apply for an order of dismissal ~~on five days' notice to the debtor, debtor's counsel, any trustee, and those entities requesting special notice pursuant to Rule 2002(i), Fed.R.Bankr.P.;~~ provided that the file contains proof docket shows that the debtor was notified of this provision, as well as the deadline for filing the documents ~~or and/or~~ the date and time of the meeting, ~~as and~~ the case may be. ~~Upon receipt of a written objection prior to presentation of an order of dismissal, the United States trustee may note the matter for hearing on no less than ten days' notice~~ debtor has not filed a motion seeking an extension of time pursuant to Local Bankruptcy Rule 1007-1(a). If, in a joint case, only one spouse appears at the section § 341 meeting, the United States trustee may apply for an order dismissing the case as to the nonappearing spouse.
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- **(c)** **Small Business Debtors.** If a small business debtor fails to comply with its obligations under 11 U.S.C. § 1116(1), the court may dismiss the case, provided that the docket contains proof that the debtor was given 5 days' notice of this provision.
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- **(bd)** **Motions to Vacate--Notice Requirement.** A motion to vacate an order of dismissal entered pursuant to this rule shall be noted for hearing pursuant to Local Bankruptcy Rule 9013-1 and shall be served on ~~the United States trustee,~~ any trustee appointed in the case; ~~those entities requesting special notice pursuant to Rule 2002(i), Fed.R.Bankr.P.;~~ and anyll additional parties in interest ~~as the court directs.~~
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- **(ce)** **Applicability of Rule.** This rule shall not apply in cases converted from one chapter to another.

RULE 1020-1. CHAPTER 11 SMALL BUSINESS CASES - GENERAL

~~(a) **Notice of Election.** In a Chapter 11 bankruptcy proceeding in which the debtor elects under 11 U.S.C. § 1121(e) to be considered a small business, such election shall be clearly stated in a separate pleading entitled, "Notice of Small Business Election Under Section 1121(e)" and filed with the court. Within three days of the filing of the Notice, the debtor shall serve copies of the Notice on all creditors or parties in interest and the United States trustee's office. Upon election, all pleadings filed with the court shall contain the designation "Chapter 11 FAST TRACK" in the top notation (See Local Bankruptcy Rule 9013-1(d)(1)(B)).~~

~~(b) **Proof of Claim Deadline.** Local Bankruptcy Rule 3001-1(b) applies.~~

RULE 1072-1. PLACES OF HOLDING COURT

(a) **Case Filings.** All cases in which the debtor resides, or has its principal place of business or principal assets, in the counties of Clark, Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Pierce, Skamania, Thurston and Wahkiakum, shall be filed at Tacoma. All other cases shall be filed at Seattle.

(b) **Filing of Papers.** All pleadings and papers shall be filed where the case is filed.

(c) **Calendaring.** Unless otherwise ordered by the court ~~for a particular motion~~, motions shall be noted for hearing as follows:

Debtor's County of Residence/ Principal Place of Business or Assets	Calendar
1. Chapter 7 and 12 Cases	
→ Island, San Juan, Skagit, Snohomish, Whatcom →	Everett <u>Marysville</u>
→ Clallam, Jefferson, Kitsap →	Bremerton <u>Port Orchard</u>
→ King →	Seattle
→ Grays Harbor, Lewis, Mason, Pierce, Thurston →	Tacoma Vancouver
→ Clark, Cowlitz, Pacific, Skamania, Wahkiakum →	
→ 2. Chapter 11<u>Chapter 9, Chapter 11, Chapter 12 and Chapter 15</u> Cases	
Clallam, Island, Jefferson, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	Seattle
Grays Harbor, Lewis, Mason, Pierce, Thurston	Tacoma
→ Clark, Cowlitz, <u>Pacific</u> , Skamania, Pacific , Wahkiakum	Vancouver
3. Chapter 13 Cases	
→ Clallam, King	<u>Seattle</u>
→ Island, Jefferson, King, Kitsap , San Juan, Skagit, Snohomish, Whatcom →	Seattle <u>Marysville</u>
→ <u>Clallam, Jefferson, Kitsap</u>	<u>Port Orchard</u>
→ Mason, <u>Grays Harbor, Lewis</u> , Pierce, Thurston,	Tacoma
Clark, Cowlitz, Grays Harbor, Lewis , Pacific, Skamania, Wahkiakum	Vancouver

(d) **Change of Hearing Location.** The place of hearing may be changed for a case or adversary proceeding on notice and hearing, with notice to all creditors ~~and the United States trustee:~~

~~Motions in a chapter 11 or chapter 13 case may be noted in Everett or Bremerton if the judge to whom the case is assigned hears that calendar.~~

→ or all parties in an adversary proceeding. The place of hearing may also be changed by the court in the event that the case is reassigned to another judge.

→ (e) **Telephone Hearings.** Local Bankruptcy Rule 9074-1 applies.

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RULE 1073-1. ASSIGNMENT OF CASES

→ (a) **Case Assignment.** All cases shall be assigned by the clerk of court to the respective judges of the court. Assignments shall be made on a random basis, including reassignments where necessitated by the recusal or absence of the assigned judge, except in cases filed under chapter 13 and cases assigned according to geographic locale. Related cases may be assigned to the same judge on motion of a party in interest made in accordance with Local Bankruptcy Rule 9013-1, or at the discretion of the court; *provided*, however, that a debtor or petitioning creditor may bring such a motion *ex parte*, if notice of the bankruptcy has not yet been sent to creditors. Adversary proceedings shall be assigned to the judge to whom the case has been administratively assigned.

~~— In the absence of the assigned Seattle judge for any reason, a party in interest seeking emergency relief must obtain any temporary reassignment from the office of the clerk, who shall make such temporary reassignment. Temporary reassignment applications shall be available from the office of the clerk in Seattle only.~~

→ (b) **Temporary**
→ **Reassignments.** A case assigned to a particular judge may be temporarily reassigned to another judge if the judge to whom the case is assigned is unavailable and an emergency exists that requires prompt action of the court. The case will be temporarily reassigned by the clerk of court and the reassignment shall be for the limited purpose of the particular motion or hearing.

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RULE 2002-1. NOTICE TO CREDITORS & OTHER INTERESTED PARTIES

→ (a) **Entities Responsible for Giving Notice.** Unless otherwise ordered by the court, all notices shall be given by the party requesting relief, except that the clerk of court shall be responsible for sendingproviding the following notices:

→ (1) notice of the section 341 meeting of creditors, pursuant to
→ Rule 2002(a)(1), Interim Fed.R.Bankr.P.; *provided, however, in chapter 13 cases the chapter 13 trustee shall be responsible for sending notice of the section 341 meeting of creditors, and said notice shall include the following:*

~~(A) the date of the section 341 meeting;~~

- _____ (B) the date of the confirmation hearing;
- _____ (C) a statement that objections to confirmation of the proposed plan shall be filed not less than four (4) days before the originally scheduled confirmation hearing, or on the court day preceding the day so computed in the event that it falls on a Saturday, Sunday, or legal holiday;
- _____ (D) a statement that the plan may be confirmed without further hearing if no timely objection is filed;
- _____ (2) _____ notice of the time allowed 2002(a)(1), and those notices described in Interim Fed.R.Bankr.P. 2002(f), except that the debtor or movant in a chapter 11 shall give notice of the deadline for filing claims pursuant to Rule 3002, Fed.R.Bankr.P., in accordance with Rule 2002(f)(3), Fed.R.Bankr.P.; *provided*, however, that a plan proponent shall give such notice in a chapter 11 case;
- _____ (3) _____ notice of and the time fixed for filing a complaint objecting to the debtor's discharge pursuant to 11 U.S.C. § 727 as provided in Rule 4004, Fed.R.Bankr.P., pursuant to Rule 2002(f)(4), Fed.R.Bankr.P.; *provided*, however, that a plan proponent shall give such notice in a chapter 11 case;
- _____ (b) accepting or rejecting a plan, and
- _____
- _____ (2) _____ notice pursuant to Interim Fed.R.Bankr.P. 2002(q)(2) of the court's intention to communicate with a foreign court or foreign representative as prescribed by Interim Fed.R.Bankr.P. 5012.
- _____
- (b) Delivery of Clerk of Court's Notices. The clerk of court may give notice through the electronic filing system (ECF) or through the Bankruptcy Noticing Center or similar service.
- _____
- (c) Large Cases. When a case involves an unusually large number of creditors such that giving notice will unduly burden the ~~clerk's~~ clerk of court's office, the clerk of court may require the party initiating the case to provide assistance in preparing and mailing notices.
- _____
- (cd) Use of Master Mailing List for Noticing. Parties may obtain ~~from the clerk~~ copies of a master mailing list, as well as a list containing the names and addresses of each entity requesting special notice pursuant to ~~Rule 2002(i), Interim Fed.R.Bankr.P. 2002(i),~~ updated in accordance with ~~Rule 2002(g), Fed.R.Bankr.P., Interim Fed.R.Bankr.P. 2002(g), from ECF, or through the court's public information access service ("PACER").~~ Alternatively, parties may obtain a master mailing list from the clerk of court for a fee in an amount prescribed by the Judicial Conference of the United States. ~~Alternatively, parties may obtain a master mailing list through the court's public information access service ("PACER").~~ Notice is presumed to be adequate if mailed to all entries on the appropriate master mailing list, *provided* that the list is current to within twenty~~20~~ days of mailing, as evidenced by (1) the clerk's certification~~notation on the list showing the date it was extracted from ECF or PACER,~~ (2) counsel's verification in the affidavit of service, or (3) ~~the notation on the list showing the date it was extracted from PACER.~~
- _____ (d) clerk of court's certification.
- _____
- (e) Notices to Creditors Whose Claims are Filed. In a chapter 7 case, after expiration of the deadline for filing claims and entry of an order allowing or disallowing claims,

→ all notices required to be given to creditors pursuant to ~~Rule~~Interim Fed.R.Bankr.P. 2002(a)(2), (3), and (7~~g~~), and 2002(f)(8)~~, Fed.R.Bankr.P.~~, may be limited to creditors whose claims have been filed and creditors who are still permitted to file claims by reason of an extension granted by the ~~C~~ecourt.

→ ~~(ef)~~ **Notice of Motion.** Local Bankruptcy Rule 9013-1(c) applies.

→ ~~(fg)~~ **Special Notice to Taxing Agencies.** Local Bankruptcy Rule 4001-2(~~ab~~) applies.

→ ~~(g)~~ ~~Standing Chapter 13 Trustees' Authority to be Reimbursed for Noticing Costs.~~ ~~(h)~~ **Preferred Address under 11 U.S.C. § 342.**

→ (1) An entity and a notice provider may agree that when the notice provider is directed by the court to give a notice to that entity, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the notice provider. That address is conclusively presumed to be a proper address for the notice. The notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law. The filing of a notice of preferred address pursuant to 11 U.S.C. § 342(f) by a creditor directly with the agency or agencies that provide noticing services to the bankruptcy court will constitute the filing of such a notice with the court. Registration with the National Creditor Registration Service must be accomplished through the agency that provides noticing services for the bankruptcy court. Forms and registration information are available at www.ncrsuscourts.com.

→ (2) A local form for use by creditors in filing a notice of preferred address under 11 U.S.C. § 342(e) is available on the court's website at www.wawb.uscourts.gov. The form may be filed electronically using the proper electronic filing event for § 342(e) notices, or delivered in paper form to the clerk of court and served on the debtor.

→ (i) **Electronic Notice.** Notice given electronically shall comply with General Order No. 3 and the court's Administrative ~~Order 7~~ applies.

~~RULE 2002-2. NOTICE TO UNITED STATES OR FEDERAL AGENCY~~

_____ Local Bankruptcy Rule 4001-2(a) applies.

→ ~~RULE 2003-1. Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means, as each is amended from time to time.~~

→ _____

→ **RULE 2003-1. MEETING OF CREDITORS & ~~AND~~ EQUITY SECURITY HOLDERS**

→ (a) **Financial Information.** The debtor shall have available for reference at the section

→
→ **(a) Proof of Identification and Social Security Number.** Individual debtors must
→ provide an acceptable form of picture identification (“ID”) and proof of social security number
→ to the trustee at the meeting of creditors. Acceptable forms of ID include:

- (1) driver’s license;
- (2) government ID;
- (3) state picture ID;
- (4) student ID;
- (5) U.S. Passport;
- (6) military ID;
- (7) resident alien card; and
- (8) consulate card.

→ Acceptable forms of proof of social security number include:

- (1) social security card;
- (2) medical insurance card;
- (3) pay stub;
- (4) W-2 form;
- (5) Internal Revenue Service Form 1099; and
- (6) Social Security Administration report.

→ **(b) Personal Appearance Required.** The debtor, including each debtor in a joint
→ case, is required to appear at the § 341 meeting of creditors, unless the financial statements and
→ tax returns court, on motion of the debtor for the two years preceding the filing of the bankruptcy
→ petition.

→ ~~(b)~~ **Dismissal for Failure to Attend Section 341 Meeting of Creditors.** good
→ cause, permits an alternative method of examination.

→ (1) *Motion - Timing.* A motion for alternative appearance shall be filed at
→ least 10 days prior to the originally scheduled § 341 meeting.

→ (2) *Motion - Contents.* The motion shall contain the following information:

- (A) the date of the originally scheduled § 341 meeting;
- (B) the proposed alternative method of examination; and
- (C) a certification that the debtor has provided to the trustee the
→ identifying documentation required by subsections (a) of this Rule and the financial
→ documentation required by Fed.R.Bankr.P. 4002-1.

→ (3) *Affidavit or Declaration.* The motion shall be supported by the debtor’s
→ affidavit or declaration under penalty or perjury containing the following:

→ (A) a detailed factual explanation of the exceptional circumstances
→ preventing the debtor from appearing in person;

→ (B) the length of time the debtor’s absence or disability is expected
→ to last and a statement of the reasons the debtor or creditors would be prejudiced if the § 341
→ meeting were continued to such time as the debtor is able to appear in person; and

→ (C) if the debtor proposes to submit written interrogatories in lieu
→ of attendance, a statement of the reasons why the debtor cannot appear by telephone.

→ (4) Documentation. The motion shall be supported by the additional
→ documentation, as applicable:
→
→ (A) Illness or Disability. If the debtor is seeking a waiver of
→ personal appearance on the grounds of illness or disability, the debtor shall provide a statement
→ by the debtor's health care provider as to the debtor's condition and the length of time the
→ condition is expected to last;
→
→ (B) Military Duty. The debtor shall comply with Local Bankruptcy
→ Rule 1017-2(a) applies;
→ Rule 1007-1(a)(3); or
→ (C) Interrogatories. A debtor seeking leave to appear by written
→ interrogatories shall file with the motion proposed interrogatories.
→ (5) Proposed Order. A proposed order for alternative examination shall
→ include the following provisions:
→
→ (A) that the debtor shall arrange for and bear the expense of any
→ telephonic § 341 meeting; and
→
→ (B) that the debtor shall provide additional documentation and/or
→ interrogatories as requested by the trustee and other parties in interest, within 10 days of the
→ request.
→
→ (6) Ex Parte Applications. Debtors seeking an order ex parte shall, prior to
→ submitting the motion to the court, serve the motion and supporting documentation on the
→ trustee and United States trustee, and certify that at least 5 days have passed since the motion
→ was served, and that no objection has been made by the trustee or United States trustee to the
→ application. For the purposes of this rule, service may be made by facsimile or email.
→
→ (7) Conclusion of Meeting. For purposes of the timing of objections to
→ exemptions under Fed.R.Bankr.P. 4003(b), the United States trustee's statement of presumed
→ abuse under § 707(b)(1) and motion to dismiss under § 707(b)(2) and § 704(b)(1), the
→ conclusion of the § 341 meeting shall be indicated by the trustee's entry on the docket that (A)
→ there are no assets available for distribution and that the case is fully administered, or (B) the
→ meeting of creditors was concluded and the trustee is investigating the existence of assets.

Committee Comment

→ The proposed subsection (a) codifies the United States trustee's Debtor ID initiative.
→
→ Subsection (b) establishes new procedures and standards for obtaining a waiver of
→ personal appearance at the § 341 meeting. It was proposed by the U.S. Trustee and codifies its
→ current policy for objecting to such motions.
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RULE 2014-1. EMPLOYMENT OF PROFESSIONALS

(a) **Requirements.** Applications for the appointment of professionals shall disclose whether the professional is a pre-petition creditor of the debtor, and if so, the nature of services

- rendered, amount owed, ~~and security received~~ whether counsel claims a security interest in property of the estate to secure fees, and identify the collateral subject to the security interest, if any. The application shall also state whether any retainer has been paid or promised, and the anticipated method of compensation, ~~and~~ sources thereof, including third parties and guarantors.
- Copies of any fee agreements and security interests shall be attached as exhibits. Retainers may not be drawn from trust or compensation paid by any source absent an order approving compensation and/or reimbursement and authorizing application of the retainer. Each application for employment shall contain a certification that the applicant has read Local Bankruptcy Rule 2016-1.

- (b) Ex Parte Applications.** Professionals seeking appointment on an *ex parte* basis shall, prior to ~~submitting~~ filing the application for approval to the court through the electronic case filing system or by filing an document, (1) ~~obtain~~ obtain the written endorsement of the United States trustee's ~~Office~~ Office of the application, or (2) ~~certify~~ certify that at least ~~two~~ 5 days have passed since the application was served upon and received by the United States trustee's ~~Office~~ Office, and no objection has been made by the United States trustee's ~~Office~~ Office to the application. For purposes of this rule ~~only~~, the United States trustee's ~~Office~~ Office will accept service by facsimile or electronically at USTPRegion18.SE.ECF@usdoj.gov. *Ex parte* orders authorizing the appointment of professionals do not constitute approval of the terms of any fee agreement or arrangement.

- (c) Chapter 13 Cases.** Local Bankruptcy Rule 2014-1(a) and (b) shall not apply to general counsel for the debtor in a chapter 13 case. The rule shall apply to applications for employment of professionals submitted by the chapter 13 ~~Trustee~~ Trustee. All other *ex parte* applications for employment in a chapter 13 case shall comply with these provisions, except that the applications shall be submitted to the chapter 13 ~~Trustee's~~ Trustee's office rather than the United States trustee's office.

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→ **RULE 2015-21. DEBTOR-IN-POSSESSION DEBTOR IN POSSESSION DUTIES**

- (a) Chapter 11 Monthly Financial Reports.** A chapter 11 debtor in possession or trustee shall file with the court and serve a monthly financial report on the United States trustee and each member of any committees elected or appointed

- pursuant to the Bankruptcy Code and to their authorized agents, ~~a monthly financial report~~.
- Each report shall be due by the ~~fifteenth~~ 15th day of the subsequent month and, except as otherwise ordered by the court, shall include the following:

- (1) balance sheet;
- (2) ~~-~~ income statement;
- (3) statement of cash receipts and disbursements;
- (4) ~~-~~ statement of accrued receivables. ~~The~~ (the) statement shall disclose amounts considered to be uncollectible);

→ (5) _____ statement of post-petition accrued payables, including professional fees;
→ ~~The~~ (the) statement shall list the name of each creditor and the amounts owing and remaining
→ unpaid for over ~~thirty~~ 30 days);

→ (6) _____ tax disclosure statement. ~~The~~ (the) statement shall list post-petition
taxes due or tax deposits required, the name of the taxing agency, the amount due, the date due,
→ and an explanation for any failure to make such payments or deposits);

→ _____
→ (7) _____ compensation statement. ~~The~~ (the) statement shall disclose the amount
→ of compensation paid to all insiders, as defined in 11 U.S.C. § 101(31)).

→ (b) **Other Reporting Requirements.** ~~The~~ chapter 11 ~~Tax Returns.~~ ~~The~~ debtor in
→ possession or chapter 11 trustee shall ~~file, and~~ serve copies of the following on the United States
→ trustee, a copy of and any committee;

→ _____
→ (1) _____ the debtor's ~~most recent~~ federal income tax returns. The debtor shall
→ provide the most recently filed return within ~~thirty~~ 15 days after the entry of the order for relief,
→ and ~~shall file and serve~~ its returns for each subsequent year whenever such returns are submitted
to the Internal Revenue Service:

→ :

→ _____
→ (2) _____ proof of insurance covering estate assets and liability, if applicable.
→ The debtor in possession shall provide initial proof of insurance within 5 days after entry of the
→ order for relief and proof of any insurance renewals thereafter as obtained; and

→ _____
→ (3) _____ monthly bank statements for any debtor in possession bank accounts,
→ as received.

→ If the debtor in possession fails to comply with any of the requirements of this subparagraph, the
→ United States trustee may move to compel compliance on 5 days' notice to the debtor in
→ possession, the debtor in possession's attorney, and any committee.

→ _____
→ (c) **Chapter 11 Post-Confirmation Reports.** If an application for a final decree
→ has not been filed within ~~three~~ 3 months after confirmation of a chapter 11 plan, then ~~a chapter~~
→ ~~11 plan proponent shall file and mail to the United States trustee~~ the party designated in the plan
→ as the responsible party, such as the reorganized debtor, liquidating trustee, plan proponent, or
→ plan administrator, shall file a post-confirmation report within ~~three~~ 3 months after entry of the
→ order confirming the plan of reorganization, and every ~~three~~ 3 months thereafter until a final
decree has been entered. The post-confirmation report shall disclose progress of the plan toward
→ consummation and shall include the following:

→ (1) - _____ a summary, by class, of amounts distributed or property transferred to
each recipient under the plan, and an explanation of the failure to make any distributions or
transfers of property under the plan;

→ (2) ~~debtor's~~ _____ the plan proponent's projections as to ~~its~~ the debtor in
→ possession's continuing ability to comply with the terms of the plan;

→ _____ (3) - _____ a report of any pending or anticipated litigation, including the
nature of each matter, the parties involved, and an estimated date when the matter will be
resolved;

- (4) _____ a description of any other factors that may materially affect the
→ ~~debtor's~~debtor in possession's ability to consummate the plan; ~~and~~
→ (5) _____ an estimated date when an application for final decree will be filed with
the court.

→ _____
→ _____
→ _____

~~**RULE 2015-3. TRUSTEES - REPORTS AND DISPOSITION OF RECORDS**~~

~~Local Bankruptcy Rule 2015-2 applies to chapter 11 trustees.~~

→ _____
→ _____
→ _____

~~**RULE 2015-5. TRUSTEES - CHAPTER 13**~~

~~(a) Standing Chapter 13 Trustees' Obligation to Give Certain Notices. Local Bankruptcy Rule 2002-1(a)(1) applies.~~

~~(b) Standing Chapter 13 Trustees' Authority to be Reimbursed for Noticing Costs. Local Bankruptcy Rule 2002-1(g) applies.~~

→ **RULE 2016-1. COMPENSATION OF PROFESSIONALS**

- (a) **General.** Unless otherwise ordered by the court, all applications for compensation for services and for reimbursement of necessary expenses incurred in providing those services shall be served on the debtor ~~and shall include, trustee, and, when required by~~
→ Fed.R.Bankr.P. 2002(a)(6), on all parties in interest, and shall be accompanied by an affidavit or
→ declaration containing the following:

- (1) _____ the date of entry of the order approving the applicant's employment;
- (2) _____ a statement, by date, of the amounts of compensation and reimbursement of expenses previously allowed and amounts paid;
- (3) _____ the source of payment for requested compensation and reimbursement of expenses;
- (4) _____ the amount of unencumbered funds in the estate;
- (5) _____ a narrative summary of the services provided, results obtained and benefit to the estate;

- (6) an itemized time record of services for which an award of compensation is sought, including:
 - (A) the date the service was rendered;
 - (B) the identity of the person who performed the service and the hourly rate of such individual;
 - (C) a detailed description of the service rendered and the time spent performing the service;
 - (D) the total number of hours spent and the total amount of compensation requested; and,
- (7) a statement of expenses, by category, for which reimbursement is sought. For extraordinary expenses, state:
 - (A) the date the expense was incurred;
 - (B) a description of the expense;
 - (C) the amount of the expense requested; and
 - (D) the necessity of the expense.

(b) Counsel for Trustees and Debtors in Possession. Where compensation is sought by counsel for a trustee or debtor in possession, the application shall include a list of names and functions of all other professionals whose employment has been authorized in the case.

(c) Requests for Interim Compensation. In any case in which interim compensation is sought, the application shall include the following additional information:

- (1) ~~—~~ the financial condition of the estate with respect to payment of post-petition expenses, including quarterly taxes and the United States trustee's quarterly fee, as well as significant impediments to plan confirmation, and general prospects for reorganization;
- (2) a projection of the applicant's future expenses and fees and the anticipated source of their payment; and
- (3) the status of the case, and the progress of the case toward closing or proposal of a plan of reorganization. If a plan has been filed, the statement shall include a projected date for confirmation. If a plan has been confirmed, the statement shall describe what progress has been made toward consummation of the plan and what remains to be done to close the case.

- **(d) Applications of \$15,000 or More.** ~~In~~ Where the cumulative applications ~~for compensation involving equal or exceed~~ \$15,000 ~~or more in the aggregate~~, the narrative summary required by subsection (a)(5) and itemized time entries required by subsection (a)(6) shall be divided into general categories according to the nature of the tasks performed, with the total hours, fees, and expenses broken down for each category; including but not limited to, Required categories include but are not limited to time spent prior to the filing for which the applicant was not paid; general administration; ~~objections to claims;~~ ~~plan confirmation;~~ sales of

→ assets; disclosure statement and plan, including drafting and confirmation; and major adversary proceedings.

→ **(e) Preconfirmation Fees in Chapter 13 Cases.**

→ (1) *Presumptive Fee.* Attorneys representing debtors in Chapter 13 cases may be awarded fees of up to \$1,800 (or such other amount as may be set by general order) (the “presumptive fee”) without having first filed a written application. The fee shall be compensation for all services rendered to the debtor(s) through entry of the order confirming plan and shall include, without limitation: the filing of a chapter 13 plan in the form required by Local Bankruptcy Rule 3015-1; filing with the chapter 13 Trustee the Chapter 13 Information Sheet together with the documents required by Interim Fed.R.Bank.P. 1007; appearing at the § 341 Meeting of Creditors; responding to objections to confirmation and motions for relief from stay that are resolvable without argument before the court; negotiating and presenting unopposed or agreed orders assuming or rejecting leases, resolving disputes regarding the valuation of collateral or providing for pre-confirmation adequate protection payments to creditors; amending the initial plan as necessary to obtain an order confirming the plan; adding creditors to the schedules and plan; negotiations with the Department of Licensing; and review of the trustee’s statement of filed claims.

→ (2) *Fees in Excess of Presumptive Fee.* Pre-confirmation attorneys’ fees in excess of the presumptive fee may be requested by motion at any time before the confirmation order is entered, provided the fee request is accompanied by an itemized breakdown of time and is filed in the form and manner required by Local Bankruptcy Rule 2016-1(f).

→ **(f) Chapter 13 Fee Applications.** In chapter 13 cases, all applications for compensation for services and for reimbursement of necessary expenses in excess of ~~\$500~~\$1,000 shall be served on the debtor, the chapter 13 ~~trustee, the United States Trustee,~~ all creditors holding allowed claims and all parties requesting notice pursuant to ~~Rule 2002,~~Interim Fed.R.Bankr.P. 2002, and shall include the following:

→ (1) - a statement, by date, of the amounts of compensation and reimbursement of expenses previously allowed and amounts paid;

→ (2) a narrative summary of the services provided;

→ (3) an itemized time record of services for which an award of compensation is sought, including:

→ (A) - the date the service was rendered;

→ (B) the identity of the person who performed the service and the hourly rate of such individual;

→ (C) a detailed description of the service rendered and the time spent performing the service;

→ (D) the total number of hours spent and the total amount of compensation requested;

→ (4) an explanation of the effect the additional compensation will have on the plan and plan disbursements to creditors; and

→ (5) an itemized time record for all services provided since the date the case was originally filed.

→ **(fg)** **Ex Parte Fee Applications in Chapter 13 Cases.** -In chapter 13 cases, an
→ applications for compensation and reimbursement of expenses for \$500\$1,000 or less shall be
→ served on the chapter 13 tTTrustee, the debtor, the United States trustee and all parties requesting
→ notice pursuant to Rule 2002;Interim Fed.R.Bankr.P. 2002. In addition to including the
→ information set forth in paragraph (e) above, such applications shall include all services
→ rendered and expenses incurred up to a specified date not more than fifteen (15) days before the
→ date of the application, and in the case of a post-confirmation application, shall include a
→ certification that no pre-confirmation services are included in the application and that the fee set
→ forth in paragraph (e) above has been earned. - The application shall be served at least twenty
→ (20) days before an *ex parte* order approving the sum requested is submittedfiled through the
→ chapter 13 tTTrustee.

The notice period herein set forth is exclusive of the time required for mailing pursuant to
Rule 9006(f), Fed.R.Bankr.P.

→ Upon receipt of an objection, the chapter 13 trustee shall provide the applicant with a
→ copy and the applicant shall note the matter for hearing.

→ Only one *ex parte* application may be made per case for services rendered post-
→ confirmation.

Committee Comment

→ The change in subsection (g) is to conform to the change in Fed.R.Bankr.P. 2002(a)(6).

RULE 2083-1. CHAPTER 13 ~~GENERAL~~

→ ~~Proofs of claim in chapter 13 cases may be filed with the office of the chapter 13~~
→ ~~trustee. Proofs~~**PROOFS OF CLAIM**

→ All proofs of claim ~~so filed~~ shall be ~~deemed~~ filed with the clerk of ~~the bankruptcy court pursuant~~
→ ~~to Rule 5005(a), Fed.R.Bankr.P., as of the date~~court. The chapter 13 Trustee shall promptly
→ forward to the clerk of court any original proofs of claim received by the chapter 13 ~~trustee.~~

→ Trustee; provided that the chapter 13 Trustee shall not be responsible for the timeliness of the
→ filing of a proof of claim where the filer has failed to timely file the original with the clerk of
→ court.

RULE 2090-1. LEGAL INTERNS

- GR 2, subsection (hi) of the Local Rules W.D. Wash. ~~will apply in the United States~~
- ~~Bankruptcy Court for the Western District of Washington~~, as modified by this ~~local rule~~.
- applies:
- (a) Application. An application to appear as a legal intern shall be submitted to a bankruptcy court judge for approval or disapproval.
- (b) Proceedings. In addition to those proceedings identified in GR 2(hi)(3)(D), a legal intern may participate in section § 341 meetings and examinations under ~~Rule 2003~~;
- Fed.R.Bankr.P. 2004, so long as provided that the supervising lawyer or another lawyer from the same office shall be present while the legal intern is participating in those proceedings.
- (c) Supervision. In the case of a clinical course offered by an approved law school where such course has been approved by its dean and is directed by a member of its faculty, a lawyer who is not a member of the law school faculty, but who is acting as a mentor or supervisor in connection with such course, may have supervision over ~~ten~~ 10 legal interns at one time.
-
- (d) Rule 9 Interns. Notwithstanding anything in this Rule 2090-1, any individual who
- has been granted a limited license to practice law in Washington State pursuant to Rule 9 of the
- Washington State Admission to Practice Rules ("Rule 9 Intern"), may appear in the United
- States Bankruptcy Court for the Western District of Washington in the manner provided in Rule
- 9 as if such court were specifically identified in Subsection (b)(4) of Rule 9. A Rule 9 Intern
- appearing in this court shall comply with and be bound by all of the provisions of Rule 9.
-

RULE 3001-1. CLAIMS AND EQUITY SECURITY INTERESTS - **GENERAL BAR DATE**

- ~~Chapter 11 C~~ (a) ~~Chapter 11 C~~ Except in small business cases - General. P. prior to the first date set for hearing on a disclosure statement, a chapter 11 plan proponent shall apply for an order fixing a deadline by which proofs of claim or interest must be filed. The plan proponent in a small business case shall apply for said order no later than upon application for conditional approval of the disclosure statement.
- Upon entry of the order, the plan proponent shall transmit to each creditor and
- equity security holder a copy of the order or notice containing such deadline. Notice of the deadline shall be a separate document.

~~(b) Chapter 11 Cases - Small Business.~~ In the event of an election under Local Bankruptcy Rule 1020-1(a), the plan proponent shall apply for said order upon application for conditional approval of the disclosure statement.

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RULE 3007-1. CLAIMS - OBJECTIONS

(a) **Chapter 11 Cases.** Unless otherwise ordered by the court, objections to claims in chapter 11 cases ~~shall~~must be filed and served no later than ~~sixty~~60 days after the entry of the order confirming a plan.

(b) **Chapter 13 Cases.**

(i) **Objections.** Objections to claims in chapter 13 cases ~~shall~~must be filed and served no later than ~~ninety (90)~~270 days ~~after the date the order allowing claims is entered;~~
~~unless otherwise ordered by the court upon a showing of good cause.~~

~~(ii) from the petition date, unless good cause is shown.~~

(2) **Late-Filed Claims.** In chapter 13 cases, except as provided in 11 U.S.C. § 502(b)(9), proofs of claim filed after the claims bar date ~~shall~~will be ~~deemed~~ disallowed; without need for formal objection or a hearing, if the chapter 13 ~~trustee~~Trustee sends a notice to the late filing creditor substantially in the form of Local Bankruptcy Form 3-~~Failure to, unless the creditor serves and files~~ a motion to allow the late filed claim within ~~twenty (20)~~ days of being served with said notice ~~shall be deemed an admission that the subject claim is disallowed.~~

RULE 3015-1. CHAPTER 13 PLAN & INFORMATION SHEET _____

(a) **Chapter 13 Chapter 13 Plan.** All chapter 13 plans (original and amended), ~~filed in cases commencing on or after October 17, 2005,~~ shall conform to Local Bankruptcy Form ~~13-1 (Form)-~~ 13-3. ~~Any plan or amended plan filed in a chapter 13 case commenced before October 17, 2005 shall conform to Local Bankruptcy Form 13-1.~~ All appropriate blanks on the ~~F~~form shall be completed; including any additional provisions which shall be set forth ~~where indicated~~ in ~~paragraph 10~~the form plan. ~~The last four digits of the plan. Debtors shall provide their~~debtor's social security ~~numbers~~number shall be provided where indicated and, if the plan provides for or affects traffic or criminal fines, forfeitures, or sanctions, ~~their~~the debtor's dates of birth. ~~The debtors and their~~the debtor's attorneys (if represented by counsel) shall sign and date where indicated.-

(b) **Other Plan Provisions.** Any additional provisions included in paragraph 10 of the plan, which modify any of the provisions contained in paragraphs 1 through ~~9~~10, shall begin by specifically referencing the paragraph(s) modified, such as: ~~"Paragraph~~ "Paragraph 5 is modified as ~~follows...."~~follows...."

(c) **Notice of the Plan and Possible Administrative Claim.** ~~The chapter 13 trustee shall mail a copy of the plan, if timely filed (see Rule 3015(b), Fed.R.Bankr.P.), with the notice of the section.~~

(1) Upon filing of a petition and a master mailing list as required by Interim Fed.R.Bankr.P. 1007(a), the clerk of court shall mail notice of the § 341 meeting of creditors. If not timely filed, the trustee shall mail the notice of the section 341 meeting of creditors, but

(2) If the plan is filed at the same time as the petition, the clerk of court shall also mail a copy of the plan to all creditors.

(3) If the plan is filed after the petition, the debtor shall ~~be required to mail~~serve copies of the plan to ~~the chapter 13 trustee and~~ all creditors not less than ~~fourteen~~

→ ~~calendar~~14 days prior to the originally scheduled meeting of creditors. -Nothing in this subsection excuses compliance with Rule 3015(b), Fed.R.Bankr.P.

—————(1)———— If the plan is timely filed in Seattle but exceeds four separate, one-sided pages or two duplexed pages, the chapter 13 trustee shall be allowed an administrative claim of fifty cents (\$.50) per each additional page multiplied by the number of section 341 notices mailed out by the trustee. This administrative claim shall be collected from the first available funds after the filing fee has been paid.

—————(2)———— If the plan is timely filed in Tacoma but exceeds two separate, one-sided pages, the chapter 13 trustee shall be allowed an administrative claim of fifty cents (\$.50) per each additional page multiplied by the number of section 341 notices mailed out by the trustee. This administrative claim shall be collected from the first available funds after the filing fee has been paid.

—————(d)———— **Repealed.** Local Bankruptcy Rule 2002-1(a)(1)(E) is repealed.

→ —————(e)Fed.R.Bankr.P. 3015(b).

→

→ (d) **Objections to Confirmation.** Objections to confirmation must be filed and
→ served on the debtor's counsel (or the debtor if unrepresented), chapter 13 trustee, United States
→ tTrustee, and any other entity designated by the court, not less than four court7 days prior to the
→ originally scheduled confirmation hearing date, or on the court day preceding the day so
→ computed in the event it falls on a Saturday, Sunday or legal holiday. If not so filed, and served,
→ the objection may be continued for hearing to the next available chapter 13 motion calendar. In
the event the objection to confirmation is going to be argued, the party making the objection
shall confirm the hearing by noon two days prior to the hearing.

→ —————(f)pursuant to Local Bankruptcy Rule 9013-1(b)(5). Local Bankruptcy Rule 9013-
→ 1(d)(6) governs any reply.

→

→ (e) **Chapter 13 Information Sheet.** Debtor shall, not later than the date the plan is
→ due (see Rule 3015(b), Fed.R.Bankr.P); At the time the petition is filed the debtor shall submit to
the trustee a complete Chapter 13 Information Sheet (Local Bankruptcy Form 13-2) together
with copies of the two most recent pay statements and/or other verification of income.

→ —————(g)———— Child13-2,
→ amended).

→

→ (f) **Domestic Support Obligations.** The chapter 13 tTrustee shall commence
→ payment on filed claims for current childdomestic support obligations as soon as unencumbered
→ funds become available, unless otherwise directed by the terms of the proposed plan. Payment
→ of current child

→

→ (g) **Domestic Support Certification.** In all cases filed on or after October 17,
→ 2005, within 30 days of completion of all plan payments, debtors must file certifications stating
→ either (1) that they are not liable for any domestic support obligation; or (2) that all domestic
→ support obligations pursuant to this subsection shall be deferred until the chapter 13 trustee has
→ received full payment of any payable by them that became due on or before the date of the
→ certification (including amounts due before the petition was filed, but only to the extent provided
→ for by the plan) under any judicial or administrative claim allowed pursuant to subsection (c)
herein.

→ order, or by statute, have been paid. Failure to file the certification will result in the case being
→ closed without a discharge.

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RULE 3015-2. CHAPTER 13 - AMENDMENTS TO PLANS

Administrative Order 5 applies.

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RULE 3017-1. DISCLOSURE STATEMENT - APPROVAL

→ (a) **Objection to Disclosure Statement.** Unless otherwise ordered by the court, any
→ party wishing to object objections to a disclosure statement in a chapter 11 case shall be filed and
→ serve an objection to disclosure statement served not later than five 7 days before the hearing on
→ which that the objecting party asserts are incomplete, misleading, or erroneous, and the basis for
such assertions.

→ (b) **Conference of Attorneys.** Not later than four 5 days before the hearing on the
disclosure statement, there shall be a conference of attorneys. It shall be the duty of counsel for
the proponent of the disclosure statement ("proponent") to arrange for the conference. The
attorney for each objecting party shall attend the conference, either in person or telephonically.
At the conference, counsel shall attempt to reach agreement on changes to the disclosure
statement.

(c) **Summary of Objections to Disclosure Statement.** Unless otherwise ordered
by the court, the plan proponent's counsel shall file a summary of those objections to the
disclosure statement that have not been resolved at the conference of attorneys. The summary
shall be filed and served on the objecting parties, the United States trustee, and the judge's
→ chambers at least two 3 days prior to the hearing on such statement. If the disclosure statement
hearing is continued, an amended summary of objections shall likewise be filed and served at
→ least two 3 days prior to the continued hearing.

(d) **Notice of Hearing on Disclosure Statement.** The proponent's notice of hearing
on the disclosure statement shall include the time within which objections must be served under
subsection (a) of this rule, and the date, time and place of the conference of attorneys required
by subsection (b) of this rule.

(e) **Hearing on Disclosure Statement.** Failure by an objecting party or proponent
to comply with the provisions of this rule may be deemed by the court to be an admission that
the objection, or the opposition thereto, is without merit.

(f) **Small Business Cases.** Local Bankruptcy Rule 3017-2 applies.

→ Rule 3017.1-1 applies.

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Committee Comment

→ See LBR 9006-1: Generally Saturdays, Sundays, and legal holidays are not counted for
→ time periods less than 8 days.

→ _____
→ _____
→ _____
→ _____
→ _____
→ **RULE 3017-2. DISCLOSURE STATEMENT - SMALL BUSINESS CASES**

→ In ~~the event of an election under Local Bankruptcy Rule 1020-1~~ a small business case, and
upon application for conditional approval of the disclosure statement, the plan proponent shall
→ obtain from the court and provide notice to all creditors on the master mailing matrix of the
deadlines for filing objections to the disclosure statement, ~~applicability and deadline for the~~
~~conference of attorneys under Local Bankruptcy Rule 3017-1(b) above~~, the deadline for the pre-
→ confirmation report under Local Bankruptcy Rule 3020-1(a), and the deadline for filing and
serving objections to confirmation of the plan under Local Bankruptcy Rule 3020-1(b).

→ _____
→ _____
→ _____
→ _____
→ **RULE 3018-1. BALLOTS - VOTING ON PLANS**

→ At least three³ days prior to the confirmation hearing, the plan proponent shall file ~~the~~
~~ballots and~~ a written summary of the ballots cast, and shall serve a copy of the summary on any
party that has filed an objection pursuant to Local Bankruptcy Rule 3020-1. The summary shall
contain a separate listing of acceptances and rejections and shall include the following
information ~~by class~~:

→ _____
→ (a) the name of each creditor ~~filing an acceptance~~, whether said creditor has accepted or
→ ~~rejection~~ rejected the plan, the dollar amount of ~~each~~ the creditor's claim, and whether the debtor
has objected to the claim;

(b) the total dollar amount and number of all allowed claims voted;

(c) the percentage dollar amount of acceptances; and

→ (d) the percentage number of acceptances.

→ The original ballots shall not be filed with the court, but shall be retained by the attorney for the
→ plan proponent for a period of not less than 5 years. Upon request, the original ballots must be
→ provided to other parties or the court for review.

→ _____
→ _____
→ **Committee Comment**

→ See LBR 9006-1: Generally Saturdays, Sundays, and legal holidays are not counted for
→ time periods less than 8 days.

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→
→ **RULE 3020-1. CHAPTER 11 - CONFIRMATION**

→ (a) **Preconfirmation Report.** The plan proponent shall, not less than ~~three~~³ days prior to the confirmation hearing, file a memorandum containing the proponent's response to any objections, and a statement as to how each requirement of 11 U.S.C. § 1129 is satisfied. The memorandum shall be served on the debtor, ~~the United States trustee~~, any committee appointed pursuant to the Bankruptcy Code or their authorized agents, and any party that has filed an objection to confirmation. If the confirmation hearing is continued, a revised preconfirmation report shall likewise be filed and served not less than ~~three~~³ days prior to the continued hearing.

→ (b) **Objections to Confirmation.** Unless otherwise ordered by the court, objections to confirmation of a plan shall be filed and served at least ~~five~~⁷ days before the hearing on confirmation of the plan.

→
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→ **Committee Comment**

→ See LBR 9006-1: Generally Saturdays, Sundays, and legal holidays are not counted for time periods less than 8 days.

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→ **RULE 4001-1. AUTOMATIC STAY--~~RELIEF FROM~~**

→ ~~(a) Motion Practice.~~

→ (a) **Comfort Orders.** Any party seeking an order confirming the automatic termination of the stay pursuant to any applicable provision of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 must file a motion pursuant to Local Bankruptcy Rule ~~9013-1~~^{applies Rule 9013-1}.

→ (b) ~~Motion Documents~~**Rent Deposits Under § 362(l).** Any deposit of rent pursuant to 11 U.S.C. § 362(l)(1)(B), made by or on behalf of a debtor whose case was filed on or after October 17, 2005, must be in the form of a cashier's check or a money order payable to the order of the lessor, and delivered to the clerk of court upon filing of the petition and certification made under § 362(l)(1). The debtor must at the same time file a copy of the judgment of possession or eviction and proof of service of the certification under § 362(l)(1) upon the lessor. Upon receipt of the cashier's check or money order, the clerk of court will promptly transmit the check/money order to the lessor by certified mail/return receipt requested, at the address of the lessor as stated in the certification filed by the debtor under § 362(l)(1), unless the clerk of court is instructed in writing by the debtor or landlord to use a different address.

→ (c) **Motions For Relief From Stay.** Motions for relief from stay shall be filed pursuant to Local Bankruptcy Rule 9013-1 and must contain a statement of the factual basis for relief and the status of any pending foreclosure or action or matter for which relief from stay is sought. Where equity in real property is an issue, the motion and notice of motion shall contain a legal description and a common address.

→
→

- **(ed) Notice of Motions.** The moving party shall schedule the matter for hearing not less than ~~twenty-two~~ 24 nor more than ~~thirty~~ 30 days after the date such motion is filed. If the moving party schedules a hearing for or agrees to continue a hearing to a date more than ~~thirty~~ 30 days after the date the motion was filed, the party shall be deemed to have waived the automatic termination provisions of 11 U.S.C. § 362(e)(1). In addition to those parties listed in ~~Rule 4001~~, Fed.R.Bankr.P. 4001, notice shall be given to the debtor, attorney for the debtor, trustee, ~~the United States trustee~~, and to any persons requesting special notice under ~~Rule 2002(i)~~ Interim Fed.R.Bankr.P. 2002(i). In addition, any motion for relief from the codebtor stay pursuant to 11 U.S.C. § 1201 or 11 U.S.C. § 1301 shall be served upon the codebtor, ~~if any~~ s.
- **(de) Procedure for Motions Timely Controverted.** If the motion is timely and properly controverted, the originally scheduled hearing will be a final hearing with argument on the documents submitted filed, unless ~~the court deems it necessary to set~~ an evidentiary hearing is required. In that event, the initial hearing may be a preliminary hearing at which the court may set a date for final hearing and enter such other orders as may be appropriate.

→ **RULE 4001-2. CASH COLLATERAL**

- ~~(a)~~
-
-
- **(a) Financing Guidelines.** The Guidelines for Cash Collateral and Financing Stipulations (Appendix A to these Rules, as may be modified from time to time and posted on the court's website) apply to all motions for approval of such stipulations, interim and final, and all motions for approval thereof must contain the certification of counsel required by the Guidelines.
-
- **(b) Special Notice to Taxing Agencies.** Notice of all motions seeking approval of use of cash collateral or financing orders must be served on the United States Attorney's Office, Attn: Bankruptcy Assistant ~~at 3600 Seafirst Fifth Avenue, 800 Fifth Avenue~~ 700 Stewart Street, Room 5220, Seattle, Washington 981041, and the Attorney General for the State of Washington, Bankruptcy and Collections Unit at ~~900 Fourth~~ 800 Fifth Avenue, ~~Suite 2000~~ 20th floor, Seattle, Washington 981041. ~~This~~ The notice required by this rule ~~does not supersede~~ is in addition to any other applicable notice and service requirements.

- **(bc) Scheduling Emergency Hearings.** Local Bankruptcy Rule 9013-1(d)(2)(E) applies.

- **(ed) Motion Practice.** Local Bankruptcy Rule 9013-1 applies.

→

RULE 4001-3. OBTAINING CREDIT

- ~~(a)~~ **Special Notice to Taxing Agencies.** ~~Local Bankruptcy Rule 4001-2(a) applies.~~

~~_____ (b) _____ Scheduling Emergency Hearings. Local Bankruptcy Rule 9013-1(d)(2)(E) applies.~~

~~_____ (c) _____ Motion Practice. Local Bankruptcy Rule 9013-1 applies.~~

~~_____ RULE 4003-2. LIEN AVOIDANCE~~

~~_____ Local Bankruptcy Rule 9013-1 applies.~~

~~_____ RULE 4008-1. REAFFIRMATION~~

~~_____ (a) _____ Supporting Information. All reaffirmation agreements submitted for court approval by a debtor not represented by counsel shall~~ **4002-1. DUTIES OF DEBTOR**

→ The following rules apply in cases filed on or after October 17, 2005.

→ (a) Payment Advices/Pay Stubs. Unless otherwise ordered, the debtor shall not
→ file with the court the payment advices and other evidence of payment required by 11 U.S.C.
→ § 521(a)(1)(B)(iv), but shall instead deliver those documents to the trustee within the time
→ required by Interim Fed.R.Bank.P. 1007(c), and in the manner described in subsection (c) below.
→ The debtor shall also provide a copy of those documents to any party in interest who requests in
→ writing a copy.

→ (b) Tax Returns. Tax information filed with the court, whether pursuant to 11
→ U.S.C. § 521 or for any other reason, shall be subject to the procedures for safeguarding
→ confidentiality established by the Director of the Administrative Office of the United States
→ Courts, established pursuant to Interim Fed.R.Bankr.P. 4002(b)(5), and as may be amended
→ from time to time. Any proposed order granting access to a debtor's tax information must
→ contain the following language:

→ Movant is hereby advised that the tax information obtained is
→ confidential and may not be disseminated except as appropriate
→ under the circumstances of the case. Movant is further advised
→ that substantial monetary sanctions (up to \$10,000 per disclosure
→ without further notice) and other sanctions may be imposed by
→ the Court for an improper use, disclosure, or dissemination of the
→ tax information.

→ Requests for tax information filed with the court should be accompanied by a summary, signed
by the debtor(s) and creditor's representative, containing the following:

- ~~_____ (1) _____ creditor's name and address and the name, address,~~
~~and telephone number of the creditor's representative (typed or printed);~~
- ~~_____ (2) _____ total principal balance;~~
- ~~_____ (3) _____ balance being reaffirmed;~~
- ~~_____ (4) _____ original and new interest rates (APR);~~
- ~~_____ (5) _____ monthly payment amount and payment due date;~~
- ~~_____ (6) _____ number of payments necessary to amortize the balance;~~

____ (7) total amount to be paid (including interest);
____ (8) whether debt is secured or unsecured;
____ (9) if the debt is unsecured, a statement of any
consideration given in exchange for the debtor's agreement to reaffirm the debt, including the
settlement of any nondischargeability claim;
____ (10) description of each item of collateral;
____ (11) estimated market value of each item of collateral;

____ (12) amount collected since the filing of the bankruptcy;
____ (13) dates and nature of any defaults alleged by the creditor;
____ (14) whether the debtor still owns or has possession of the collateral;
____ (15) debtor's current monthly net income;
____ (16) debtor's current monthly expenses, including any payment due under
the agreement.

→ ~~(b) Documentation.~~ Copies of any agreements incorporated by reference self-
→ addressed, stamped envelope bearing sufficient postage.

→ (c) Delivery of Documents to Trustee.

→ (1) Timing of Production and Declaration. All documents required to be
→ provided to the trustee by the debtor pursuant to 11 U.S.C. § 521(e)(2)(A)(i) and Interim
→ Fed.R.Bankr.P. 4002(b)(2) and (3) shall be submitted at least 7 days prior to the date first set for
→ the § 341 meeting of creditors. The documents shall be attached to the reaffirmation agreement,
→ together with documentation of any security interest and the perfection of such security interest
(if any).

~~RULE 5003-1. CLERK - GENERAL AUTHORITY~~

~~(a) Delegation of Ministerial Orders.~~ The clerk and such deputies as the clerk
may designate are authorized to sign and enter without further direction the following orders;
which are deemed to be of a ministerial nature:

____ (1) orders on motions and applications of the type described in Rule 77;
Fed.R.Civ.P., except that the clerk is not authorized to grant orders or judgments for default;

____ (2) orders permitting the payment of filing fees in installments and fixing the
number, amount, and dates of payment;

____ (3) orders discharging a trustee and closing a case after such case has been fully
administered;

____ (4) orders reopening cases that have been closed due to administrative error; and

____ (5) orders authorizing the trustee to pay expenses of administration of \$500.00
or less in chapter 7 cases.

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- ~~_____~~ ~~(2)~~ a direction to the clerk of court to deposit registry funds of
→ \$25,000 or more in accordance with 31 C.F.R. Part 202;
→ _____
→ (3) a direction to the clerk of court to deposit funds of less than \$25,000 into a
→ non-interest bearing account with the U.S. Treasury; and
→ _____
→ (4) language directing the clerk of court to deduct from the income earned on
→ the deposit a fee as prescribed by the Judicial Conference of the United States, without further
→ order of the court. _____
→ _____
→ _____

→ _____
→ _____

→ **RULE ~~5005-14008-1.~~ ~~FILING PAPERS - REQUIREMENTS~~**

→ ~~(a) **Return Copies of Documents Filed.** A person seeking the return by mail of~~
→ ~~a copy of any document filed shall submit an additional copy of the document requested~~
→ ~~**REAFFIRMATION**~~

→ (a) **Time of Filing.** All reaffirmation agreements must be filed with the court prior
→ to the date set in the notice of commencement of the case as the deadline for filing complaints to
→ determine dischargeability or to deny discharge.

→ (b) **Form of Agreement.** The Official Form Reaffirmation Agreement (available on
→ the court's website) must be completed for all reaffirmation agreements.

→ (c) **Documentation.** Copies of any agreements which the debtor has agreed to
→ continue to perform or pay, together with any modifications of those agreements, shall be
→ attached to the reaffirmation agreement together with documentation of any security interest and
→ the perfection of such security interest or a memorandum setting forth why perfection is
→ unnecessary and supporting declaration(s) establishing any required facts. If the reaffirmation is
→ of a debt claimed to be nondischargeable, the creditor shall file a memorandum setting forth the
→ basis for the nondischargeability, together with a ~~self-addressed, stamped envelope.~~

→ ~~(b) **Facsimile Filing.** CR 10(d), Local Rules W.D. Wash., applies to all cases and~~
→ ~~adversary proceedings.~~

→ ~~_____~~ declaration(s) establishing a prima facie case.
→ _____
→ _____

→ **Committee Comment**

→ The Official Form Reaffirmation Agreement is currently (March 2008) Form 240A.
→ _____
→ _____
→ _____
→ _____

→ **~~RULE 5005-2. FILING PAPERS - NUMBERS OF COPIES~~**

~~(a) Petitions, Schedules, Statements, and Lists. Local Bankruptcy Rules 1007-1(a) and 1009-1(b) apply.~~

~~(b) Motions. Local Bankruptcy Rule 9013-1(d)(4) applies.~~

~~_____~~
~~_____~~

~~**RULE 5010-1. REOPENING CASES**~~

~~(a) Motions to Reopen. A motion to reopen a case shall be noted for hearing in accordance with Local Bankruptcy Rule 9013-1, with notice to any adversely affected parties. The notice shall state whether assets were administered in the case and whether a deadline was established for filing proofs of claim.~~

~~(b) Filing Fee. Any filing fees prescribed by 28 U.S.C. § 1930(b) and the Judicial Conference of the United States shall be paid prior to the entry of any order reopening a case.~~

~~(c) Reopening by Clerk. Local Bankruptcy Rule 5003-1(a)(4) applies.~~

→ **5003-1. CLERK OF COURT - GENERAL/AUTHORITY**

→ **(a) Delegation of Ministerial Orders.** The clerk of court and such deputies as the clerk of court may designate are authorized to sign and enter without further direction the following orders, which are deemed to be of a ministerial nature:

→ (1) orders on motions and applications of the type described in Fed.R.Civ.P. 77, except that the clerk of court is not authorized to grant orders or judgments for default;

→ (2) orders permitting the payment of filing fees in installments and fixing the number, amount, and dates of payment;

→ (3) orders discharging a trustee and closing a case after such case has been fully administered;

→ (4) orders reopening cases that have been closed due to administrative error;

→ (5) orders authorizing the trustee to pay expenses of administration of \$500.00 or less in chapter 7 cases; and

→ (6) orders requiring debtors to file amended schedules in converted cases.

→ **Text Moved Here: 1**

→ **(b) Administrative Regulations.** The clerk of court is authorized to promulgate regulations governing administrative matters, including the submission of forms, content and format of creditor mailing lists, mode of payment of filing fees, and disposition of records. Such regulations shall be available for public reference, and shall be published in such publications and at such intervals as the clerk of court deems appropriate. _____

→ End Of Moved Text

→

→ **(c) Custody and Disposition of Exhibits and Depositions. Local Rules W.D.**

→ **Wash. CR 79(g) controls the custody of exhibits and depositions.**

→

→

→

→

→ **RULE 5011-1. — WITHDRAWAL OF REFERENCE**

→ ~~(a) Caption. A motion for withdrawal of reference shall be designated: "Motion for Withdrawal of Reference."~~

→ ~~(b) Filing and Service of Papers. The motion, response and reply documents, including memoranda and supporting materials as required by CR 7(b), Local Rules W.D. Wash., shall be filed with the clerk of the bankruptcy court. Any motion for withdrawal of reference shall be filed and served promptly after service of any pleading or document in which the basis for the motion first arises. Response documents shall be filed and served no later than fourteen days after service of the motion for withdrawal. Reply documents, if any, shall be filed and served no later than five days after service of any response. Bankruptcy court records may be brought before the district court by filing copies of such records and proceedings, together with a verification of the party or its counsel that the copies are true and correct copies of papers contained in the bankruptcy file. Such copies shall be clearly identified and shall be filed with the clerk of the bankruptcy court no later than five days after the filing of the related motion, response, or reply. The copies need not be certified or exemplified by the bankruptcy court, and the added cost of certification or exemplification will not be allowed as a cost item under 28 U.S.C. § 1920(4), unless certification is required after an opposing party challenges the accuracy of the copies.~~

→ ~~(c) Transmittal of Documents to District Court. Within five days after expiration of the time for filing documents as provided in subsection (b) of this rule, the clerk of the bankruptcy court shall transmit to the clerk of the district court all motion documents that have been filed with the bankruptcy court. After the district court clerk has opened a docket, all further documents pertaining to the motion for withdrawal shall be filed with the clerk of the district court. Except as otherwise ordered by the bankruptcy court or district court pursuant to a stay entered in accordance with Rule 5011(c); Fed.R.Bankr.P., parties shall continue to file with the clerk of the bankruptcy court all documents relating to other matters in the bankruptcy case or proceeding.~~

→ ~~(d) Proceedings in District Court. A motion for withdrawal of reference shall be assigned to a district court judge in accordance with the district court's usual system for assigning civil cases. The district court clerk shall note the matter on the judge's motion docket for the Friday immediately following receipt of all documents from the bankruptcy court.~~

→ **RULE 5005-1 ELECTRONIC CASE FILING**

→ **(a) Mandatory Registration.** All attorneys, panel and standing trustees and examiners appearing before the United States Bankruptcy Court for the Western District of Washington shall register in the ECF system for the purpose of filing papers electronically.

→ **(b) Electronic Filing.** Unless otherwise ordered by the district court, a motion to withdraw will be decided court, electronic filing is mandatory for all attorneys, trustees and examiners in all cases consistent with technical standards, if any, established by the Judicial Conference of the United States. The clerk of court may accept documents for filing, establish electronic service requirements, issue notices, serve orders and otherwise specify practices and procedures in electronic case management consistent with the Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means ("Electronic Filing Procedures"), as approved by the court without a hearing. A party desiring oral argument should so indicate by typing "ORAL ARGUMENT REQUESTED" in the caption of its motion or responsive memorandum.

→ The district court may in its discretion grant or deny the motion in whole or in part, and may make such orders as it deems appropriate for the orderly disposition of the case or

proceeding. Upon entry of a dispositive order by the district court, the clerk of the district court shall forward a copy of the order to the parties and to the clerk of the bankruptcy from time to time through general orders.

(1) The electronic filing of a pleading or other paper in accordance with the Electronic Filing Procedures is entry of that pleading or other paper on the docket kept by the clerk of court under Interim Fed.R.Bankr.P. 5003.

(2) All orders, decrees, judgments, and proceedings of the court shall be entered in accordance with the Electronic Filing Procedures which shall constitute entry of the order, decree, judgment, or proceeding on the docket kept by the clerk of court under Interim Fed.R.Bankr. P. 5003.

(c) Service of Documents.

(1) Whenever a pleading or other paper is filed electronically in accordance with the Electronic Filing Procedures, the filing party will be automatically sent a Notice of Electronic Filing by electronic means at the time of docketing. All other parties in the case who are ECF participants will be sent the Notice of Electronic Filing by electronic means either at the time of filing or on a daily basis. Pursuant to Fed.R.Civ.P. 5(b)(2)(E), receipt of the Notice of Electronic Filing generated by the court's electronic case filing system is the equivalent of service of the pleading identified in the notice on persons who have consented to electronic service.

(2) Unless otherwise ordered, the request for and receipt of a password from the court for use of the ECF System is a request for, and consent to, electronic service pursuant to Fed.R.Bankr.P. 9036, 7005, and Fed.R.Civ.P. 5(b)(2)(E); provided that, notwithstanding Fed.R.Bankr.P. 9036, in accordance with Fed.R.Civ.P. 5(b)(2)(E) and Fed.R.Civ.P. 5(b)(3), service by electronic means is complete on transmission unless the party making service learns that the attempted service did not reach the person to be served. A party may make service pursuant to Fed.R.Civ.P.5(b) through the court's transmission facilities.

(3) The filing party shall serve the pleading or other paper upon all non-ECF participants entitled to notice or service in accordance with the applicable rules. Proof of service shall be filed with respect to service on all non-ECF participants entitled to notice; however, the proof of service may be filed electronically in accordance with the Electronic Filing Procedures with the representation, by the filer, that evidence of service is being maintained at the office of the filer.

(4) Notwithstanding the foregoing provisions of this section, conventional service of documents in hard copy is required in accordance with Fed.R.Civ.P. 4, Fed.R.Civ.P. 45, Fed.R.Bankr.P. 7004, Fed.R.Bankr.P. 9014(b), and Fed.R.Bankr.P. 9016, any order for conventional service issued by the court, or where otherwise specifically required by the Federal Rules of Civil Procedure or the Federal Rules of Bankruptcy Procedure.

(d) Electronic Signature; Affidavits.

(1) The electronic filing of a petition, pleading, motion or other paper in the ECF system by the participant or an authorized employee of the participant's office shall constitute the signature of that participant under Fed.R.Bankr.P. 9011 and shall bind the party or parties represented by that participant.

(2) Pleadings, affidavits, and other documents that must contain original signatures or that require verification under Fed.R.Bankr.P. 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically. The original signed document, in

→ hard copy or electronic form, shall be maintained by the attorney of record or the party
→ originating the document for a period not less than 5 years. Upon request, the original document
→ must be provided to other parties or the court for review. The pleading or other document
→ electronically filed shall indicate a signature; e.g., "/s/."

→
→ (3) A stipulation or other document requiring the signature of more than one
→ party shall be electronically filed as follows: (A) the filer shall confirm that the content of the
→ document is acceptable to all persons required to sign and shall obtain actual signatures of all
→ parties to the document; (B) the filer shall file the document electronically, indicating the
→ signatories, e.g., "/s/"; (C) the filer shall retain documentation, in hard copy or electronic form,
→ evidencing the authority to affix the signatures of all other parties as set forth in Paragraph
→ (d)(2), above. Fed.R.Bankr.P. 9011 shall apply to all signatories, not just the filing participant.
→ In addition, the filing party, by filing the document in accordance with this provision, represents
→ that all signatories indicated have approved the form of the document.

→ **(e) Orders.**

→ (1) Proposed orders filed in accordance with Local Bankruptcy Rules. 9013-
→ 1(d)(1) and 9013-1(i) shall be filed electronically as an attachment to the motion.

→ (2) Original orders that are ready for the judge's signature, including orders filed
→ pursuant to Local Bankruptcy Rules 9013-1(f)(2) and 9013-1(g)(2), may be filed electronically
→ by docketing the order as a "received unsigned order."

→ (3) Received unsigned orders filed in accordance with this rule shall include the
→ words "ex parte" in the title of the pleading and in the docket entry if they are being filed
→ without notice in accordance with Local Bankruptcy Rule 9013-1(g).

→ **(f) Documents Filed Conventionally.**

→ The following documents shall be filed conventionally and not electronically unless specifically
→ authorized by the court:

→ (1) *Documents to be Filed under Seal.* A motion to file document(s) under seal
→ shall be filed electronically; however, the actual document(s) to be filed under seal shall be filed
→ conventionally, with a paper copy of the order attached.

→ (2) *Trial Exhibits.* Exhibits for trials and evidentiary hearings shall be submitted
→ in accordance with existing rules or as ordered by the court.

→ **RULE 5005-2. CONVENTIONAL FILING**

→ **(a) Return Copies of Documents Filed.** A person seeking the return by mail of a
→ conventionally filed claim or voluntary petition shall submit an additional copy of the document
→ requested, together with a self-addressed, stamped envelope. Copies of all other documents,
→ including copies of orders, must be printed from the ECF system or through the court's public
→ access service, PACER.

→ **(b) Facsimile Filing.** Local Rules W.D. Wash. CR 10(d) applies to all cases and
→ adversary proceedings.

→ **(c) Filing papers - Pages exceeding 50 in Number.** When documents that exceed
→ 50 pages, including exhibits, are filed in paper form, the filer shall provide an electronic PDF

→ version of the document on a 3.5 inch disk or CD-Rom disk at the time of filing. If the PDF file
→ is more than two megabytes in size, it must be separated into two-megabyte segments. Each
→ PDF file shall be clearly labeled to identify the sequence of documents to be filed.

→
→ (1) *Service.* Pleadings or other documents that are filed conventionally or on a
→ 3.5 inch disk or on a CD-Rom disk rather than electronically shall be served in the manner
→ provided for in, and on those parties entitled to notice in accordance with, the Federal Rules of
→ Bankruptcy Procedure and the Local Bankruptcy Rules for the Western District of Washington
→ except as otherwise provided by order of the court.

→
→

RULE 5080-1. FEES - GENERAL

~~A discharge shall not be granted to any debtor otherwise entitled to a discharge~~
~~pursuant to Rule 4004(c), Fed.R.Bankr.P., unless the filing fee has been paid in full.~~

5010-1. REOPENING CASES

→ (a) **Motions to Reopen.** A motion to reopen a case shall state the purpose for the
→ reopening and shall be noted for hearing in accordance with Local Bankruptcy Rule 9013-1,
→ with notice to the case trustee and any affected parties. The notice shall state whether assets
→ were administered in the case, whether a deadline was established for filing proofs of claim, and
→ whether a trustee needs to appointed.

→ (b) **Trustee's Motion to Reopen.** A motion to reopen a case to administer assets
→ may be brought by the United States trustee on an *ex parte* basis.

→ (c) **Filing Fee.** Except as otherwise ordered by the court, any filing fees prescribed
→ by 28 U.S.C. § 1930(b) and the Judicial Conference of the United States are due at the time the
→ motion is filed.

→ (d) **Reopening by Clerk of Court.** Local Bankruptcy Rule 5003-1(a)(4) applies.

→ (e) **Reclosing.** Cases reopened for any purpose other than to administer assets may
→ be reclosed by the clerk of court 60 days after reopening unless matters are then pending.

→
→

Committee Comment

→ The last sentence to (a) is to ensure that a trustee be appointed in reopened cases where
→ there may be assets to administer.

→
→

RULE 5011-1. WITHDRAWAL OF REFERENCE

→ (a) **Caption.** A motion for withdrawal of reference shall be designated: "Motion for
→ Withdrawal of Reference."

→

→ (b) Filing and Service of Papers. The motion, response and reply documents,
→ including memoranda and supporting materials as required by Local Rules W.D. Wash. CR 7(b)
→ shall be filed with the clerk of court of the bankruptcy court. Any motion for withdrawal of
→ reference shall be filed and served promptly after service of any pleading or document in which
→ the basis for the motion first arises. Response documents shall be filed and served no later than
→ 14 days after service of the motion for withdrawal. Reply documents, if any, shall be filed and
→ served no later than 5 days after service of any response.

→ (c) Transmittal of Documents to District Court. Within 5 days after expiration of
→ the time for filing documents as provided in subsection (b) of this rule, the clerk of court of the
→ bankruptcy court shall transmit all motion documents that have been filed with the bankruptcy
→ court to the district court. All further documents pertaining to the motion for withdrawal shall
→ be filed with the clerk of court of the district court. Except as otherwise ordered by the
→ bankruptcy court or district court pursuant to a stay entered in accordance with Fed.R.Bankr.P.
→ 5011(c), parties shall continue to file with the clerk of court of the bankruptcy court all
→ documents relating to other matters in the bankruptcy case or proceeding.

→ (d) Proceedings in District Court. A motion for withdrawal of reference shall be
→ assigned to a district court judge in accordance with the district court's usual system for
→ assigning civil cases. The clerk of court of the bankruptcy court shall note the matter on the
→ district court judge's motion docket for the Friday immediately following electronic transmittal
→ of all documents from the bankruptcy court. Unless otherwise ordered by the district court, a
→ motion to withdraw the reference will be decided by the court without a hearing. A party
→ desiring oral argument should so indicate by typing "ORAL ARGUMENT REQUESTED" in
→ the caption of its motion or responsive memorandum. The district court may in its discretion
→ grant or deny the motion in whole or in part, and may make such orders as it deems appropriate
→ for the orderly disposition of the case or proceeding. Upon entry of a dispositive order by the
→ district court, the clerk of court of the district court shall forward a copy of the order to the
→ parties and notify the clerk of court of the bankruptcy court.

Committee Comment

→ See LBR 9006-1: Generally Saturdays, Sundays, and legal holidays are not counted in
→ time periods less than 8 days.

RULE 7004-1. SERVICE OF PROCESS

→ The plaintiff shall file a certificate of service within ~~fourteen~~¹⁴ days after service of a
→ summons and complaint ~~and summons~~ has been effected.

~~RULE 7004-2. SUMMONS~~

→ ~~Upon filing an adversary complaint, the plaintiff shall furnish the clerk with a summons~~
→ ~~and cover sheet which substantially comply with the forms available from the office of the clerk.~~
→ ~~The clerk shall~~

→
→ **RULE 7004-2. SUMMONS**
→

→ The clerk of court will issue to the plaintiff a completed summons for service upon each defendant. (Examples of approved forms are in the Forms section.)

→ This paragraph does not excuse compliance with Fed.R.Bankr.P. 7004 or
→ Local Bankruptcy Rule 7004-1.
→
→
→

→
→ **RULE 7016-1. PRE-TRIAL PROCEDURES**

(a) **Pretrial Conferences.** Unless excused by the court, counsel and any unrepresented parties shall attend a pretrial conference at the date and time set forth on the summons. The purpose of the pretrial conference shall be to review the nature of the case, the prospects for settlement or alternative dispute resolution, to set a trial date and deadlines for discovery, dispositive motions, pretrial orders, and trial briefs, and to resolve any other matters appropriate to the circumstances of the case.

→ (b) **Pretrial Orders.** If the court requires a pretrial order, CR 16(h) through (n) and
→ CR 16.1; Local Rules W.D. Wash.; CR 16(h) through (m) and CR 16.1 shall apply, with the exception that the following deadlines shall be observed:

→ (1) — Lodging Date for Proposed Pretrial Order. The proposed pretrial
→ order, along with two copies, shall be lodged ("lodging date")

→ with the judge's chambers no later than five days prior to the scheduled trial date, unless
→ otherwise ordered by the court.

→ (2) — Plaintiff's Pretrial Statement. The plaintiff's pretrial statement shall
→ be served filed not later than twenty 20 days prior to the lodging date filing of the proposed
→ pretrial order.

→ (3) — Defendant's Pretrial Statement. The defendant's pretrial statement
→ shall be served filed not later than fifteen 15 days prior to the lodging date filing of the proposed
→ pretrial order.

→ (4) — Conference of Attorneys. The conference of attorneys shall be held
→ not later than five 5 days prior to the lodging date filing of the proposed pretrial order.

→ (4) Date for Proposed Pretrial Order. The proposed pretrial order, signed by
→ all parties or their counsel, shall be filed no later than 5 days prior to the scheduled trial date.
→
→

→ **Committee Comment**
→

→ See LBR 9006-1: Generally Saturdays, Sundays, and legal holidays are not counted in
→ time periods of less than 8 days.
→

→

RULE 7026-1. DISCOVERY - GENERAL

- ~~CR 26 through CR 37~~, Local Rules W.D. Wash.; CR 26 through CR 37 apply to
- adversary proceedings and contested matters, except to the extent they are inconsistent with
- Fed.R.Bankr.P. 9014(c), and unless otherwise ordered.
-

RULE 7056-1. SUMMARY JUDGMENT

- (a) Filing and Service. Local Bankruptcy Rule 9013-1(d)(2)(D) ~~applies.~~
- , (d)(5) and (d)(6) apply.
- (b) Factual Issues – Separate Statement.
- (1) Each motion for summary judgment shall be accompanied by a
- separately filed statement of uncontroverted facts setting forth the specific material facts as to
- which the moving party contends there is no genuine issue, with precise references to the
- evidence in the record which supports each asserted fact.
- (2) Any party opposing the motion shall file a separate statement of
- genuine issues with the responsive papers, setting forth all material facts as to which it is
- contended there exist genuine issues of material fact, with precise references to the evidence in
- the record which establishes those genuine issues.
- (3) The material facts claimed and adequately supported by the moving
- party will be deemed to exist without controversy except to the extent that those facts are (a)
- identified in the opposition's statement of genuine issues, and (b) controverted by declaration or
- other evidence in the record.
-

RULE 8006-1. DESIGNATION OF RECORD - APPEAL

- In appeals to the district court, parties shall file the designations of record, statements of
- issues, and written requests for ~~a~~ transcript ~~s~~ pursuant to ~~Rule 8006~~, Fed.R.Bankr.P. ~~However,~~
- ~~in lieu of providing the clerk with copies of the items designated to be included in the record,~~
- ~~each party~~ 8006, and shall serve and file excerpts of the record with the district court clerk as ~~an~~
- appendix appendices to ~~its~~ their briefs. The appendix furnished by the ~~appellant shall~~ appellant
- must include ~~the following~~:
- (a) the items listed in ~~Rule~~ Fed.R.Bankr.P. 8009(b)(1) through (8); ~~Fed.R.Bankr.P.~~;
- (b) the transcript or portion thereof as necessary for adequate review in light of the
- standard of review ~~to be applied to the issues before the district court~~; and
- (c) any additional items designated by the appellant.

The appendix furnished by the appellee shall include any required material that has been omitted by the appellant, plus any additional items designated by the appellee.

→ **RULE 9004-1. CAPTION AND FORM OF PAPERS ~~REQUIREMENTS OF~~**
→ **FORM**
→

All petitions, pleadings and other papers offered for filing shall meet the following requirements of form:

→ (a) **Paper, Legibility** ~~Size and Font.~~ All ~~papers~~ pleadings shall be ~~on~~ in 8-1/2 x 11 inch white paper of good quality, and shall be plainly typewritten, printed or clearly reproduced, and double-spaced, except for official forms and quoted material. Papers should be pre-punched with two holes centered 2-3/4 inches apart, 1/2 to 5/8 inches from the top of the document.

~~(b) Space for Service and Filing Stamps. Ample space should be left at the top of the first page for the clerk's filing stamp, and space at the left half for acknowledging the receipt of copies. For pleadings, the caption should begin on or below the eighth line (approximately 3-1/2 inches from the top of the page).~~

→ ~~(c) Numbered Paper. inches document format, using a standard font such as Courier or Times New Roman, and shall be double spaced.~~

→ ~~(b) Format. Unless otherwise modified by General Order, all pleadings shall conform to the following format:~~

→ ~~(1) Numbered Paper. Except for Official Bankruptcy Forms or other forms provided by the clerk of court, each ~~paper~~ pleading shall bear line numbers in the left margin.~~

→ ~~(d) (2) Top Notation. The right side of the top of the front page of all pleadings shall contain the name of the judge assigned to the case. Motions, Notices of Hearings and Orders shall contain the additional notations required under Local Bankruptcy Rule 9013-1(d).~~

→ ~~(3) Caption and Title. Each pleading shall be captioned "United States Bankruptcy Court, Western District of Washington" on the first page and shall identify the debtor's name and case number, as well as the title of the pleading indicating the purpose of the paper and the party presenting it.~~

→ ~~(4) Date and Signature Line for Court. Any document requiring the signature of the court shall provide lines for the date and signature of the court. The notation "United States Bankruptcy Judge" shall be typed under the court's signature line.~~

→ ~~(e) Exhibits and Attachments to Papers. Unless the physical nature of the exhibit makes it impracticable, an exhibit should be securely fastened to the paper to which it relates. Attachments and exhibits should be 8-1/2 x 11 inches in size, photo-reduced if necessary. If reduction would impair legibility, larger exhibits should be folded in such a manner as not to~~

exceed 8-1/2 x 11 inches. An exhibit smaller than 8-1/2 x 11 inches shall be attached to or photocopied onto an 8-1/2 x 11 inch sheet of paper.

~~RULE 9004-2. CAPTIONS - PAPERS, GENERAL~~

~~(a) **Caption.** Each paper shall contain the words "United States Bankruptcy Court, Western District of Washington," and shall be properly identified by name, case number, and title indicating the purpose of the paper and the party presenting it.~~

~~(b) **Top Notation.** The right side of the top of the front page of all pleadings shall contain the name of the judge assigned to the case. Motions, Notices of Hearings and Orders shall contain the additional notations required under Local Bankruptcy Rule 1020-1(a) and 9013-1(d).~~

- ~~(c) **(5) Bottom Notation.** The left side of the bottom of each page of all papers shouldshall contain an abbreviated title of the paper, followed by the page number. The right side of the bottom of each pleading or other paper shouldshall contain the name and current mailing address and telephone number of the attorney, firm, or pro se party preparing the paper.~~

~~RULE 9009-1. FORMS~~

- ~~The form of all petitions, schedules, and statements shall be in substantial compliance with the Official Bankruptcy Forms, pursuant to ~~Rule 9009, Fed.R.Bankr.P~~ (c)~~
- ~~**Linking.** Every pleading filed in response to or in connection with a motion or other initial pleading must be electronically linked to the initial pleading.~~
- ~~(d) **Exhibits and Attachments to Papers.** Exhibits, other than trial exhibits, including but not limited to leases, notes, and the like, which are not available in electronic form may be filed conventionally or electronically in accordance with the Electronic Filing Procedures. If filed conventionally, an exhibit should be securely fastened to the pleading to which it relates. If filed electronically, the exhibit should be linked to the pleading to which it relates. All attachments and exhibits shall be 8-1/2 x 11 inches, photo-reduced if necessary. An exhibit smaller than 8-1/2 x 11 inches shall be attached to or photocopied onto an 8-1/2 x 11 sheet of paper. All exhibits must be sequentially numbered or lettered and each page must be numbered sequentially from the first page of the first exhibit to the last page of the last exhibit, unless otherwise ordered by the court. For example, if exhibit A is 3 pages and Exhibit B is 2 pages, the exhibit pages shall be numbered A-1, A-2, A-3, B-4, B-5 .~~
- ~~(1) **Trial Exhibits.** Trial exhibits should be filed conventionally, in accordance with Local Bankruptcy Rule 1007-1(d) , unless otherwise ordered by the court.~~

→ **Committee Comment**

~~(d) Any party who is not represented by an attorney and who is without a telephone shall provide the name and telephone number of a person through whom that party may be contacted.~~

~~(e) Notices of changes of address or telephone number must be given, in writing, within 10 days of the effective date, to the clerk of the court, the United States trustee, the trustee, parties requesting special notice, and all parties to any adversary proceeding in which the party is involved.~~

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→ **RULE 9013-1. MOTION PRACTICE**

(a) **Applicability.** As used herein, the term "motion" includes any motion, application, objection, or other request for an order or determination of the court, except one required to be commenced by complaint pursuant to ~~Rule 7001~~, Fed.R.Bankr.P. 7001. The provisions of this rule apply to all motions filed in cases, contested matters, and adversary proceedings, except as otherwise provided by law or by order of the court. In addition to the procedures set forth herein, practitioners should review General Orders addressing issues of electronic filing practice, as well as the court's website, for practices and procedures for individual judges.

(b) **Placing a Motion on the Court's Calendar.**

(1) ~~Hearing Judge.~~ Motions shall be set on the calendar of the judge to whom the case or adversary proceeding has been administratively assigned, ~~except as permitted in Local Bankruptcy Rule 1073-1.~~

(2) unless counsel is specifically directed otherwise by the judge's chambers.

(2) **Motion Calendars.** Motion calendars shall be held regularly in Seattle and Tacoma, and elsewhere as determined by the judges of the court (See Local Bankruptcy Rule 1072-1). Each judge will maintain a regular motion calendar. A schedule of the motion dates, times, and places for each judge's calendar shall be posted at the office of the clerk of ~~court and on the court's website~~, and shall be published in such publications and at such intervals as the clerk of court deems appropriate.

(3) ~~Special Settings.~~ A party desiring an evidentiary hearing with live testimony shall obtain a special setting from the judge's secretary or scheduling clerk.

(4) ~~Party Responsible for Obtaining Hearing Date.~~ The moving party shall be responsible for obtaining a hearing date.

(5) ~~Confirmation of Hearings.~~ ~~In the event a motion is to be argued, counsel shall notify the chambers of the judge before whom the motion will be heard by noon~~ If oral argument on a motion is desired, counsel for any party shall docket a notice to court of intent to argue no later than 12:00 noon 3 days prior to the scheduled hearing date. Failure to confirm a hearing may result in the motion being stricken, unless an agreed order is ~~to be~~

→ ~~entered and the court is so advised by the time for confirmation~~filed, or a default order has been signed pursuant to subsection (f)(2) of this rule.

→ (6) ~~_____~~ Settlement. Parties shall ~~notify~~doctet a notice to the court ~~of~~
→ ~~settlement or withdrawal of a motion~~ as soon as practicable ~~if a matter has been settled or~~
~~motion withdrawn prior to hearing~~. This provision does not excuse compliance with
→ ~~Rules~~Interim Fed.R.Bankr.P. 2002(a)(3) or ~~7041~~, Fed.R.Bankr.P. 7041.

→ **(c) Notice of Motion.**

→ (1) ~~_____~~ By Whom Given. Except as otherwise provided in Local Bankruptcy
→ Rule 2002-1(a) or other applicable rules, ~~all~~ notices of ~~a~~ motions shall be given by the moving party.

→ (2) ~~_____~~ To Whom Given. The types of notices specified in ~~Rule~~
→ ~~2002(a); Interim~~ Fed.R.Bankr.P. 2002(a), must be given to the debtor, the debtor's attorney, the
~~trustee, the United States~~ trustee, all creditors, all indenture trustees, and any persons requesting
→ special notice under ~~Rule 2002(i); Interim~~ Fed.R.Bankr.P. 2002(i). As to notices not specified in
→ ~~Rule 2002(a); Interim~~ Fed.R.Bankr.P. 2002(a), notice of motions shall be given to all parties in
interest. Motions for relief from stay, use of cash collateral, and financing shall also comply
→ with Local Bankruptcy Rules 4001-1, ~~and~~ 4001-2, ~~and~~ 4001-3, respectively.

→ (3) ~~_____~~ Contents of Notice. Every motion shall be set for hearing, and the
moving party shall give notice of the motion and the hearing. The notice may be combined with
the motion, provided that (A) the caption so indicates, (B) the notice is the first part of the text of
→ the pleading, and (C) the parts are separately headed. _____

The notice shall clearly state (A) the date, time and place of hearing, (B) the nature of relief requested and the grounds therefor, unless the notice and motion are combined, (C) that any party opposing the motion must file and serve a written response by the response date, which shall be set out, and (D) that if no response is filed by the response date, the court may in its discretion grant the motion prior to the hearing, without further notice. The notice shall
→ substantially comply with Local Bankruptcy Form 1 (Notice of Motion and Hearing).

(d) Motions - Requirements.

→ (1) ~~_____~~ Form of Motions, Briefs, or Memoranda :

→ (A) Required Pleadings. The moving party shall ~~state~~include in ~~or~~
→ with its motion (i) a statement of all reasons in support thereof, together with a memorandum of points and authorities as is necessary to support such motion, and (ii) all affidavits, declarations and photographic or documentary evidence to be presented in support of the motion.

→ (B) Notation of Judge, Chapter, Location, Date, ~~and~~ Time of
→ Hearing, and Response Date. The name of the assigned judge, the chapter under which the case is pending, and the location, date and time of hearing, and the response date shall be noted on the top right-hand corner of all papers filed in connection with and in response to the motion.

(C) Length of Memoranda. Without prior court approval, opening and responsive memoranda relating to motions for summary judgment or other dispositive motions shall not exceed ~~twenty-four~~24 pages, and opening and responsive memoranda for all other motions shall not exceed

→ ~~twelve~~ 12 pages. A reply brief shall not exceed ~~one-half~~1/2 the permitted length of the opening brief without prior approval of the court.

→ (D) Proposed Orders. A copy of a proposed order, including one requested ex parte or by stipulation, shall be attached as an exhibit to the motion as a separate document. Opponents may propose alternative orders in the same fashion. Orders and judgments shall contain at least one line of text on the same page as the date and signature lines and shall indicate the date and time the matter was heard or scheduled to be heard. Original orders should not be ~~submitted~~filed in advance of the hearing nor filed electronically as received unsigned orders, except as permitted in Local Bankruptcy Rule 9013-1(f)(2).

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(2) ~~_____~~ Filing and Service - Time. _____

→ (A) In adversary proceedings and contested matters, the motion, and all supporting memoranda of law, briefs, and other documentation shall be filed and served with the motion upon all parties in interest.

→ _____

→ (B) Proof of any conventional (non-ECF) service of the notice and the motion shall be filed by the response date.

→ (C) Objections to claims shall be filed and served at least ~~thirty~~30 days preceding the date fixed for hearing, ~~exclusive of the time required for mailing pursuant to Rule 9006(f), Fed.R.Bankr.P.~~ Objections to claims shall also comply with Local Bankruptcy Rule 3007-1.

→ (D) Motions for summary judgment, relief from stay, and lien avoidance shall be filed and served at least ~~twenty-two~~24 days preceding the date fixed for hearing, ~~exclusive of the time required for mailing pursuant to Rule 9006(f), Fed.R.Bankr.P.~~ Motions for Relief From Stay shall also comply with Local Bankruptcy Rule 4001-1.

→ (E) Emergency motions for authorization to use cash collateral or to obtain credit shall be scheduled for hearing with such notice as the court shall prescribe, in accordance with 11 U.S.C. § 363(c)(3) and Rules Fed.R.Bankr.P. 4001(b) and ~~4001(c); Fed.R.Bankr.P.~~

→ (F) All other motions and/or notice thereof shall be filed and served upon the appropriate parties at least ~~fifteen~~21 days preceding the date fixed for hearing, unless a longer period of notice is ordered by the court or prescribed by the Federal Rules of Bankruptcy Procedure or these Local Bankruptcy Rules.

→ (3) ~~_____~~ Motions to shorten time. ~~Orders~~Motions to shorten time ~~shall be the exceptions to the rule, and~~ will be granted only upon a showing of exigent or exceptional circumstances. A motion requesting an order shortening time may be granted ex parte at in the court's discretion. The applicant's attorney shall certify in writing the efforts, ~~if any~~, that have been made to give notice and the reasons ~~that~~why further notice should not be required.

→ ~~—An~~ The motion requesting an order shortening time ~~shall be served immediately~~, along
→ with the underlying motion papers and a proposed form of order shortening time, shall be filed
→ and served on all parties entitled to notice of the underlying motion unless otherwise ordered by
→ the court.

→ (4) ~~—~~ Copies to be Served on Chambers. ~~Four~~ Copies of the original motion,
responsive, and reply ~~documents~~, including affidavits or certificates of service, must bear proof
→ that two copies have been whether said originals are filed conventionally or by electronic means,
→ do not need to be provided to the chambers of the judge before whom the motion will be heard
→ or delivered to the clerk of court's office unless the papers, together with supporting documents,
→ in total exceed 25 pages in length, or as otherwise ordered by the court. In the event the papers
→ and supporting documents exceed 25 pages, and unless otherwise ordered, two copies shall be
timely served on the chambers of the judge before whom the motion will be heard, or delivered
to the appropriate box in the office of the clerk of court. Copies shall be clearly identified with
the word "COPY" appearing conspicuously on the first page. ~~Failure to provide such copies~~
may result in the papers not being considered.

→ (5) ~~—~~ Response Required. Each party opposing a motion shall file and serve
→ responsive papers not later than the response date, which shall not be later than four 7 calendar
days prior to the hearing, or the court day preceding the day so computed in the event that it falls
on a Saturday, Sunday, or legal holiday. If the notice given exceeds that required by
subparagraph (2) of this rule, the moving party may designate an earlier response date, not more
than thirty days prior to the hearing date, so long as the time for the filing of responses is not
impaired. However, response deadlines must allow for proper notice requirements.

→ ~~—~~ (6) date set for hearing. See Local Bankruptcy Rule 9006-1(b).

→ (6) Reply Permitted. Not later than two 3 calendar days preceding the date set
for hearing, or on the court day preceding the day so computed in the event that it falls on a
Saturday, Sunday, or legal holiday, the moving party may file and serve papers in strict reply to
→ any response. See Local Bankruptcy Rule 9006-1(b). No additional replies will be considered
by the court, unless otherwise ordered.

→ (7) ~~—~~ Noncompliance. Failure of a party to file and/or serve the papers as
required by this rule may be deemed by the court to be an admission that the motion, or
opposition to the motion, as the case may be, is without merit.

(e) **Hearings.**

→ (1) ~~—~~ Appearance at Hearings Required. Except as provided in
subsection (f)(2) of this rule, appearance is required at all scheduled hearings. Failure to appear
at the date and time appointed for hearing may be deemed by the court to be an admission that
the motion, or the opposition to the motion, as the case may be, is without merit.

→ (2) ~~—~~ Motion Calendars Shall Not Include Oral Testimony. The court will
→ not hear oral testimony on the regularly ~~—~~ scheduled motion calendars unless approved in advance
by the court. Parties desiring to submit oral testimony must seek a special setting as set forth in
subsection (b)(3) herein.

→ (f) **Default.** If no opposition to a motion has been timely filed and served, and
provided the period allowed for responses after service of the notice equals or exceeds the

→ ~~minimum notice period required by statute or rule~~ in accordance with Local Bankruptcy Rule 9013-1(d)(5), the court in its discretion may:

→ _____ (1) grant the motion by default at the hearing, or

→ _____ (2) grant the motion prior to the time set for hearing, upon the moving party's ex parte presentation of a proposed order, accompanied by proof of the service and a declaration ~~or statement in~~ of no objection stating the ~~proposed order~~ date of service of the motion and that no objections were timely received. ~~The proposed, and forwarding an ex parte received unsigned~~ order ~~shall contain~~ containing the date and time for which the hearing was scheduled.

(g) Ex Parte Motions.

→ (1) ~~_____~~ Contents of Motion. Every *ex parte* motion, except those for routine administrative orders, shall (A) allege specific facts forming the basis of the request, (B) cite the statute or rule authorizing the court to act, and (C) state specific reasons why the court should proceed without notice or a hearing. If the motion arises in an adversary proceeding or a contested matter as defined in Rule 9014, Fed.R.Bankr.P. 9014, the moving party shall, in addition, describe (D) what immediate and irreparable injury, loss or damage will result to the movant before the adverse party or his attorney can be heard in opposition; and (E) the efforts, if any, which have been made to give notice to the adverse party and his attorney.

→ (2) ~~_____~~ Ex Parte Orders. A proposed *ex parte* order shall contain the words "ex parte" in its title. ~~A party desiring a conformed copy of the order shall provide to the court an extra copy of the proposed order and a pre-addressed, stamped envelope.~~

→ (3) ~~_____~~ Appointment of Professionals. *Ex parte* motions for the appointment of professionals must also comply with Local Bankruptcy Rule 2014-1.

→ **(h) Motions for Reconsideration.** CR 7(e), Local Rules W.D. Wash. ~~shall~~ CR 7(h) governs motions for reconsideration. ~~S.~~ except that such motions shall be filed and served within ten 10 days after entry of the judgment or order, and shall not be noted for hearing unless oral argument is requested by the court.

~~_____~~ **(i) Orders:**

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→ ~~_____~~ (2) ~~Presentation.~~ The opposing party shall not respond to a motion for reconsideration unless requested to do so by the court.

→ **(i) Presentation of Orders.** A party presenting a proposed order at a time ~~subsequent after~~ to the hearing on a motion shall serve copies ~~of the proposed order~~ on parties that were present at the hearing and, unless agreement is reached as to the form of the order, shall give at least five 7 days' notice of the time, date and place of presentation of the proposed order.

~~RULE 9013-2. BRIEFS & MEMORANDA OF LAW~~

~~Local Bankruptcy Rules 9013-1(d)(1) and 9013-1(d)(2)(A) apply.~~

~~RULE 9013-3. CERTIFICATE OF SERVICE - MOTIONS~~

~~Local Bankruptcy Rule 9013-1(d)(2)(B) applies.~~

***Committee Comment**

See LBR 9006-1: Saturdays, Sundays, and legal holidays are not counted in time periods of less than 8 days.

RULE 9015-1. JURY TRIAL

(a) **Applicability of Certain Federal Rules of Civil Procedure:** and District Court Local Rules, Fed.R.Civ.P. 38, 39, 47-51, and 81(c) (insofar as applicable to jury trials) Fed and Local Rules W.R.Civ.P.D. Wash. CR 38, 47, 51, apply in cases and proceedings. ~~The caption of any pleading containing a jury demand shall so state.~~

~~(b)~~

(b) **Demand for Jury Trial.** Demand for a jury trial shall be made in accordance with Local Rule W.D. Wash. CR 38(b) and shall appear in the caption as set forth in Local Bankruptcy Rule 9004-1(b)(3), and be made:

(1) on either the plaintiff's adversary proceeding cover sheet, or application for removal; and

(2) on either a party's first pleading, or within 30 days of the filing of a removal application (pursuant to Fed.R.Bankr.P. 9027 and Local Bankruptcy Rule 9027-1), whichever is earlier.

(c) **Consent to Have Trial Conducted by Bankruptcy Judge.**

(1) If there is a right to jury trial and a demand under Fed.R.Civ.P. 38(b) is timely filed, the parties shall consent or not (28 U.S.C. § 157(e)) to have the trial conducted by the bankruptcy judge by filing a statement of consent or withholding of consent by the later of the time for answer or reply, if the demand is made in a complaint or cross- or counter-claim, or ~~twenty~~20 days after the demand is made.

(2) In any proceeding in which a demand for a jury trial is filed, the bankruptcy judge shall determine whether the party has a right to a jury trial and whether the demand was properly filed. If so, the bankruptcy judge shall preside at the jury trial if all parties consent. If there is no consent, the bankruptcy judge shall conduct pretrial proceedings up through lodging of the pretrial order, unless the reference is withdrawn.

- **(ed)** **No Right Created.** This rule does not expand or create any right to jury trial where the right does not otherwise exist.

~~RULE 9019-1. SETTLEMENTS & AGREED ORDERS~~

~~Local Bankruptcy Rule 9013-1(b)(6) applies.~~

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- **RULE 9021-1. JUDGMENTS & ORDERS - FORM AND ENTRY OF**

- (a) Unless the court directs otherwise, all orders, findings of fact and conclusions of law, and judgments shall be prepared by the prevailing party.
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~~RULE 9022-1. JUDGMENTS & ORDERS - NOTICE OF~~

~~Local Bankruptcy Rule 9013-1(i) applies.~~

- (b) The judges of the court may sign orders, findings of fact and conclusions of law, judgments and other pleadings requiring their signature by electronic means, and such electronic signatures shall have the same effect as a handwritten signature. Any pleading signed by a judge, whether by hand or electronically, that is not dated shall be deemed to be dated as of the date the pleading is entered on the docket.
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- (fc) **Form.** A proposed form order or judgment, including one requested ex parte or by stipulation, must be submittedfiled on a document separate from its attendant motion or stipulation. Orders and judgments shall contain at least one line of text on the same page as the date and signature lines. Orders and judgments shall indicate the date and time the matter was heard or scheduled to be heard.

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RULE 9027-1. REMOVAL/REMAND

- (a) **Notice of Removal.** A notice of removal required to be filed in the Western District of Washington pursuant to Rule 9027, Fed.R.Bankr.P.; 9027 shall be filed with the clerk of court of the bBankruptcy cCourt, and shall be accompanied by a filing fee as required for adversary proceedings. CR 101(b), Local Rules W.D. Wash., shall apply in cases removed to the bankruptcy court.
-

- **(b) Motions to Remand; Further Pleadings.** Any motion to remand shall be served and filed within 10 days of the notice of removal, and noted for hearing in accordance with Local Bankruptcy Rule 9013-1. Unless a motion for remand is filed, those parties who have not answered shall do so within 20 days of the notice of removal and all parties shall promptly reply to any cross- or counter-claims.
- **(c) Report of Proceedings.** The removing party shall, within 20 days of the notice of removal, or, if a motion to remand is filed prior to the expiration of such 20-day period, 10 days after the entry of an order denying the motion to remand, file a report of the proceedings in the court from which the action was removed. The report shall list the operative pleadings, including the complaint, answer, and any other pleadings framing the issues to be decided (complaints, answers, etc., superseded by amended pleadings shall not be listed), any summary judgment or other orders which dispose of all or part of the action, and any pending unresolved motions which the parties intend to present to this court (and supporting and opposing pleadings). The following documents are to be attached to the report as separate exhibits (Local Bankruptcy Rule 9004-1(d) applies):
- (1) a copy of the docket of the removed action;
- (2) each identified pleading; and
- (3) the certification required by Local Rule W.D. Wash. CR 101(b).
- **(d) Supplementing the Report.** Other parties may supplement the removing party's report in the same format within 10 days of its filing. At any time during the pendency of the removed action, the court may require the parties to file additional pleadings from the proceedings in the court from which the action was removed.

RULE 9029-1. LOCAL RULES - GENERAL

- These Local Rules of Bankruptcy Procedure (herein "Local Bankruptcy Rules" ~~or "LBR"~~) govern practice and procedure in the United States Bankruptcy Court for the Western District of Washington. To comply with the uniform numbering system prescribed by the Judicial Conference of the United States, the numbering sequence generally coincides with that of the Federal Rules of Bankruptcy Procedure. These rules supersede all previous local rules and general rules of the United States Bankruptcy Court for the Western District of Washington. Except to the extent inconsistent with these rules, general orders, administrative orders, and administrative regulations are not superseded and remain in effect. These rules shall apply to all cases and proceedings pending in this court on and after ~~April~~ July 1, ~~1999~~ 2008.

RULE 9029-2. LOCAL RULES - DISTRICT COURT

- The Local Rules of the United States District Court for the Western District of Washington (~~hereinafter~~ herein "Local Rules W.D. Wash.") are rules of the United States Bankruptcy Court for the Western District of Washington, except as they may be inconsistent with Title 11, United States Code (~~hereinafter~~

→ "Bankruptcy Code"), herein "Bankruptcy Code"), the Federal Rules of Bankruptcy Procedure, or
→ these Local Bankruptcy Rules.

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RULE 9029-3. FEDERAL RULES OF BANKRUPTCY PROCEDURE

The Federal Rules of Bankruptcy Procedure, inclusive of any Interim Federal Rules of Bankruptcy Procedure (herein "Fed.R.Bankr.P." and "Interim Fed.R.Bankr.P.", respectively) are rules of the United States Bankruptcy Court and govern procedure in cases under Title 11, United States Code. On adoption of Federal Rules of Bankruptcy Procedure superseding the Interim Federal Rules of Bankruptcy Procedure, all references in these Local Bankruptcy Rules to the Interim Federal Rules of Bankruptcy Procedure will be deemed to refer to the Federal Rules of Bankruptcy Procedure, or these.

RULE 9037-1. PRIVACY PROTECTION

(a) Privacy for Electronic Filings. To protect privacy and security concerns relating to the electronic filing of documents and the public availability of documents filed electronically, Fed.R.Bankr.P. 9037 limits the information that may be disclosed in a filing. Documents filed under seal as required by Fed.R.Bankr.P. 9037 shall be filed in accordance with the provisions in Local Bankruptcy Rules.

Rule 5005-1(f)(1).

(b) Procedure to Seal or Redact Protected Private Information from the Docket. If a document is filed that discloses protected private information, a party seeking to expunge that document from the publicly accessed electronic docket may file a motion in accordance with Local Bankruptcy Rule 9013-1 seeking to have the document sealed. Upon receipt of such a motion, the clerk shall temporarily block access to the document at issue pending the court's determination of the motion.

RULE 9074-1.TELEPHONE OR VIDEO CONFERENCES

When an issue is deemed by the court to be capable of resolution through telephonic or video hearing, the court may, upon request of counsel, or on its own motion, conduct a telephonic or video hearing in the interests of judicial economy.

RULE 9075-1.EMERGENCY ORDERS

(a)Motions for Authorization to Use Cash Collateral or to Obtain Credit-

Appendix A to Local Bankruptcy Rule 9013-1(d)(2)(E) applies.

(b) Ex Parte Motions. Local Bankruptcy Rule 9013-1(g) applies.

Rules

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON**

Effective July 1, 2008

**GUIDELINES FOR CASH COLLATERAL
AND FINANCING STIPULATIONS**

The judges of this district are often requested to rule on requests by debtors (or Chapter 11 trustees) for authority to enter into cash collateral and financing stipulations and agreements with secured creditors (e.g., under §§ 363(c)(2) or 364(c) (all section references are to the Bankruptcy Code, 11 U.S.C.)). These stipulations and agreements frequently contain provisions that the judges will not normally approve. In an effort to provide guidance to debtors and secured creditors in these circumstances, the judges have adopted the following guidelines.

Except as set forth below, these guidelines apply both to interim and to final requests for use of cash collateral or for authority to enter into a financing arrangement.

A. The following **will not normally be approved in an interim order**, and must be identified and justified in final requests (see C, below):

1. Cross-collateralization clauses, i.e., clauses that secure prepetition debt with postpetition assets in which the secured party would not otherwise have a security interest by virtue of its prepetition security agreement.
2. Provisions or findings of fact that bind the estate (or all parties in interest, or parties not stipulating) with respect to the validity, perfection or amount of the secured party's lien or debt.
3. Provisions or findings of fact that bind the estate (or all parties in interest, or parties not stipulating) with respect to the relative priorities of the secured party's lien and liens held by persons who are not party to the stipulation. This would include, for example, an order approving a stipulation providing that the secured party's lien is a "first-priority" lien.
4. Provisions in an **interim order** that permit the secured party's lien to (i) attach to unsecured property of the estate, or (ii) have priority over other existing secured creditors in property of the estate that is already subject to a secured creditor's lien. See § 364(c)(2) and (3).
5. Waivers of § 506(c).
6. Provisions that operate expressly or as a practical matter to divest the debtor, or any other party in interest, of discretion in the formulation of a plan or administration of the estate, or limit access to the court to seek any relief under applicable provisions of law.

- 7. Releases of liability by the debtor of any claim or cause of action against the secured creditor, including without limitation (i) for the creditor's alleged prepetition torts, breaches of contract, or lender liability, (ii) releases of prepetition or postpetition defenses and/or counterclaims, and (iii) releases of any avoidance actions arising under the Bankruptcy Code.
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- 8. Automatic relief from the stay of § 362(a) upon the debtor's default under the cash collateral or financing agreement or stipulation, conversion to chapter 7, or the appointment of a trustee.
-
- 9. Adequate protection provisions that create liens on claims for relief arising under the Bankruptcy Code, including without limitation, claims arising under §§ 506(c), 544, 545, 547, 548, and 549.
-
- 10. Waivers, effective on default or expiration of the term of the agreement or stipulation, of the debtor's right to move for a court order pursuant to § 363(c)(2)(B) authorizing the use of cash collateral in the absence of the secured party's consent.
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- 11. Carve outs for administrative expenses that do not treat all professionals equally or on a pro rata basis.
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- 12. Provisions that create an unreasonably short limitation period for the debtor or any other party in interest (including a successor trustee) to bring claims or causes of action against the secured creditor.
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- 13. A finding without supportive evidence to the effect that in consenting to the use of cash collateral or postpetition financing, the secured creditor is acting in good faith.
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- 14. Provisions applicable in the event of dispute or default under the agreement that place venue in any other court.
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- 15. Provisions applicable in the event of a dispute or default under the agreement wherein the debtor waives service of process, the doctrine of forum non conveniens, notice and hearing, or the right to a jury trial.
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- (p) Provisions applicable in the event of a dispute or default authorizing the financing party or anyone else to sue in the name of the debtor.

→ B. The following provisions will normally be approved:

- 1. Withdrawal of consent to use cash collateral or termination of further financing, upon occurrence of a default, appointment of a trustee, or conversion to another chapter.
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- 2. Securing any new advances or postpetition diminution in the value of the secured party's collateral with a lien on postpetition collateral of the same type as the secured party had prepetition, if such lien is subordinated to the compensation and expense reimbursement allowed to any trustee thereafter appointed in the case.
-
- 3. In connection with an order entered at a final hearing, securing new advances or value diminution with a lien on other assets of the estate, but only if the lien is

- subordinated to all the expenses of administration of a superseding chapter 7
- case.
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- 4. Reservation of rights under § 507(b), unless the stipulation calls for
- modification of the Bankruptcy Code's priorities in the event of conversion to
- chapter 7. See § 726(b).
-
- 5. Reasonable reporting requirements.
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- 6. Reasonable budgets and use restrictions.
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- 7. An expiration date for the term of financing or use of cash collateral under the
- agreement or stipulation.
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- (c) **In all applications** for court approval of a cash collateral or financing agreement or
- stipulation, **counsel for the debtor (or trustee) must certify** whether the agreement
- contains any provision listed in part A, identify any such provision, and explain its
- justification.
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